

Submissions on Enforcement Matters (SEM)



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Overview of Presentation

- Short overview of Submissions Process and Facts about Submitters
- Status of Active Submissions
- Types of Issues Addressed in Submissions
- Analysis of Historical Submissions (Trends)
- Impacts of Submissions and Factual Records



What is a Submission?

- Filed by any individual or NGO
- Asserts that a Party is not effectively enforcing one of its environmental laws
- Secretariat reviews using NAAEC criteria
- After a party response, Secretariat determines whether to request a factual record. Do central open ?s remain?
- Council votes on whether to authorize a factual record



Submissions by Country

91 Submissions. Annual average of almost 4 per year.

- Mexico: 47 Submissions (52%)
- Canada: 31 Submissions (34%)
- US: 12 Submissions (13%)
- US/Canada 1 Submission (1%)



Who are the Submitters?

- NGOs 55 (62%)
- Individuals 17 (19%)
- NGO/Individual 17 (19%)



Rates of Submissions

Period	Canada	US	Mexico
1994-2000	9	8	11
2001-2005	8	1	15
2006-2010	10	1	13
2011-2015	4	3	4
2016-2018	1	0	4



Active Submissions—2 in Mexico, 1 in Canada

- Mexico City Metrobús (environmental assessment)
- Alberta Tailings Ponds II (discharges into water)
- Agricultural Waste Burning in Sonora (clean air)
- **Note:** Transboundary Agricultural Burning (clean air) (filed by a US submitter) recently terminated.



Canada

Fisheries Act

SARA LQE CEPA MBR CEAA Fishery Regulations EARPG CBD
 RSMAPGS RESC LCMM IBWT-Act RQA BWT WWSOR-Alberta Water Act-Alberta Alberta EPEA
 Canada Loi sur les parcs Law List Regulations Oceans Act NEBA RPPEA LDE DEA-Alberta
 IBWT NAAEC PPER-Canada

Canada
Loi sur les parcs

Law List Regulations
Oceans Act NEBA RPPEPA LDE
DEA-Alberta



United States



Factual Records		
Water	Montreal Technoparc; Lake Chapala II; Pulp and Paper; BC Logging; Oldman River II; BC Hydro; Río Magdalena	7 Factual Records
Environmental Impact Assessment	Cozumel; BC Mining; Aquanova; Molymex II; Wetlands in Manzanillo	5 Factual Records
Air	Coal Fired Power Plants; Quebec Automobiles; Hermosilla	3 Factual Records
Hazardous Waste	Metales y Derivados; ALCA-Iztapalapa; Ex Hacienda El Hospital;	3 Factual Records
Natural Resources	Tarahumara; Sumidero Canyon	2 Factual Records
Biodiversity	Migratory Birds; Ontario	2 Factual Records

Factual Records by Country (22)

Canada (8)	Mexico (12)	United States (2)
BC Hydro	Cozumel	Migratory Birds
Oldman River II	Aquanova	Coal-fired Power Plants
BC Logging	Metales y Derivados	
BC Mining	Río Magdalena	
Pulp and Paper	Molymex II	
Ontario Logging I-II*	Tarahumara	
Montreal Technoparc	ALCA-Iztapalapa II	
Quebec Automobiles	Lake Chapala II	
	Environmental Pollution in Hermosillo II	
	Ex Hacienda El Hospital II-III*	
	Sumidero Canyon II	
	Wetlands in Manzanillo	



Positive SEM Impacts--General

- Transparency and Information sharing
- Public participation
- International remedy for any resident of North America
- Pressure on a party to take action
- One tool in the tool kit



Positive SEM Impacts--Specifics

- **Mexico:**
 - ❑ **Cozumel (coral reef preserved)**
 - ❑ **Lake Chapala (water quality improved)**
 - ❑ **Metales y Derivados (abandoned smelter cleaned up)**



Positive SEM Impacts--Specifics

Canada

- ❑ BC Hydro Factual Record (better water use planning process implemented)
- ❑ Montreal Technoparc (framework for subsequent clean-up)



Positive SEM Impacts—Parties must respond

- **Municipal Wastewater Dropshafts (U.S.)**
- **Alberta Tailings Ponds II—(Canada)**

