

SUBMISSIONS ON ENFORCEMENT MATTERS—Overview of the Implementation of Articles 14 and 15 of NAAEC

[Article 14](#) of the North American Agreement on Environmental Cooperation (NAAEC) gives the Secretariat authority to consider submissions from any non-governmental organization or person asserting that a Party to NAAEC is failing to effectively enforce its environmental law (a “submission on enforcement matters,” or “SEM”). If the submission meets certain criteria and if the Council instructs the Secretariat to do so, the Secretariat prepares a factual record on the matters raised in the submission ([NAAEC Article 15](#)). The Secretariat neutrally and independently reviews submissions, and can be likened to a fact-finding body that does not determine whether or not a Party has effectively enforced its environmental law. When the Secretariat produces a factual record, it is up to the public to draw conclusions and determine what next steps, if any, should be taken.

This citizen submission process was one of the prized achievements of the environmental community following the debate over NAFTA. It is one of the most valued, and at times controversial, elements of the NAFTA/NAAEC environment package. The controversy stems chiefly from a perception that the Parties attempt to interfere with the Secretariat’s neutral and independent administration of the process, that the process takes too long, and that factual records rarely respond to submitters’ concerns. However, in 2010, the Parties undertook efforts to improve the timeliness of the process and take other steps in an effort to respond to these concerns.

Since 1994, the Secretariat has received a total of 83 submissions (of which 12 are currently active) and has published 17 factual records. Thirty-one of the total submissions refer to Canada, 41 to Mexico and 10 to the US (including one that refers to both the US and Canada). Over these first 20 years of the existence of NAAEC, many issues concerning the implementation and interpretation of Articles 14 and 15 have arisen. The following recaps the main events related to the implementation of Articles 14 and 15. The [SEM Registry](#) provides overviews of the submissions filed to date, as well as links to the submissions themselves, all Secretariat determinations, Party responses, and the factual records published to date. The comments addressed to the Council by the public on this topic are summarized in a separate *Backgrounder* on public engagement.

1994

The Secretariat did not receive any submissions.

The Council did not adopt any resolutions regarding the SEM process in 1994.

JPAC did not provide advice to Council regarding the SEM process in 1994.

1995

The Secretariat received two submissions regarding the US: [Spotted Owl](#) and [Logging Rider](#).

[Council Resolution 95-10](#) – Approval of Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation

[JPAC Advice 95-04](#) - Guide on Factual Submissions

[JPAC Advice 95-05](#) - Procedures for Submissions on Enforcement Matters under Articles 14 and 15

1996

The Secretariat received four submissions:

- two regarding Canada: [Aage Tottrup](#) and [Oldman River I](#);
- one regarding Mexico: [Cozumel](#); and
- one regarding the US: [Fort Huachuca](#).

[Council Resolution 96-08](#) – Instruction to the Secretariat on the Preparation of a factual record regarding the Cozumel submission

[JPAC Advice 96-01](#) – Review of Guidelines on Enforcement Matters under NAAEC Articles 14 and 15

[JPAC Advice 96-06](#) – Review of Guidelines on Enforcement Matters under NAAEC Articles 14 and 15

1997

The Secretariat received seven submissions:

- five regarding Canada: [Quebec Hog Farms](#), [CEDF](#), [Biodiversity](#), [BC Hydro](#) and [Oldman River II](#); and
- two regarding Mexico: [Río Magdalena](#) and [Lake Chapala](#).

The [Fort Huachuca Submitters withdrew their submission](#), in response to the Secretariat's plans to prepare an independent report, under Article 13 of NAAEC, on conservation issues in the San Pedro watershed related to the submission.

The Council did not adopt any resolutions regarding the SEM process in 1997.

JPAC did not provide advice to Council regarding the SEM process in 1997.

1998

The Secretariat received seven submissions:

- one regarding Canada: [BC Mining](#);
- five regarding Mexico: [Guadalajara](#), [Ortiz Martínez](#), [Cytrar I](#), [Metales y Derivados](#) and [Aquanova](#); and
- one regarding the US: [Great Lakes](#).

[Council Resolution 98-07](#) – Instruction to the Secretariat on the preparation of a factual record regarding the [BC Hydro](#) submission

JPAC did not provide advice to Council regarding the SEM process in 1998.

1999

The Secretariat received two submissions regarding the US: [Migratory Birds](#) and [Methanex](#).

[Council Resolution 99-06](#) – Adoption of the Revised Guidelines for Submissions on Enforcement Matters Under Articles 14 and 15 of the North American Agreement on Environmental Cooperation

[JPAC Advice 99-01](#) – Revised Guidelines for Citizen Submissions on Enforcement Matters under Articles 14 & 15

2000

The Secretariat received six submissions:

- one regarding Canada: [BC Logging](#);
- three regarding Mexico: [Molymex I](#), [Molymex II](#) and [Tarahumara](#); and
- two regarding the US: [Neste Canada](#) and [Jamaica Bay](#).

[Council Resolution 00-01](#) – Instruction to the Secretariat regarding the [Quebec Hog Farms](#) submission

[Council Resolution 00-02](#) – Decision by Council regarding the [Oldman River II](#) submission

[Council Resolution 00-03](#) – Instruction to the Secretariat regarding the [Metales y Derivados](#) submission

[Council Resolution 00-04](#) – Instruction to the Secretariat to make public the factual record regarding the [BC Hydro](#) submission

[Council Resolution 00-09](#) – Matters Related to Articles 14 and 15 of the Agreement

JPAC did not provide advice to Council regarding the SEM process in 2000.

[JPAC letter to the Council](#) on the timely and transparent processing of citizen submissions

[JPAC letter to the Council](#) on confusion surrounding Articles 14 and 15 of NAAEC

2001

The Secretariat received three submissions:

- one regarding Canada: [AAA Packaging](#); and
- two regarding Mexico: [Cytrar II](#) and [Dermet](#).

[Lessons Learned: Citizen Submissions under Articles 14 and 15 of the NAAEC](#) – The Council asked JPAC to review and report on the lessons learned from the public history of citizen submissions under Articles 14 and 15 of NAAEC.

[Council Resolution 01-06](#) – Response to the Joint Public Advisory Committee (JPAC) report on lessons learned regarding the Articles 14 and 15 process

[Council Resolution 01-08](#) – Instruction to the Secretariat regarding the [Oldman River II](#) submission

[Council Resolution 01-09](#) – Instruction to the Secretariat regarding the [Aquanova](#) submission

[Council Resolution 01-10](#) – Instruction to the Secretariat regarding the [Migratory Birds](#) submission

[Council Resolution 01-11](#) – Instruction to the Secretariat regarding the [BC Mining](#) submission

[Council Resolution 01-12](#) – Instruction to the Secretariat regarding the [BC Logging](#) submission

[JPAC Advice 01-07](#) – Citizen Submissions on Enforcement Matters under Articles 14 & 15 of NAAEC

[JPAC Advice 01-09](#) – Request to conduct a public review of two issues concerning the implementation and further elaboration of Articles 14 and 15 of NAAEC

2002

The Secretariat received five submissions:

- two regarding Canada: [Ontario Logging](#) and [Pulp and Paper](#); and
- three regarding Mexico: [Mexico City Airport](#), [El Boludo Project](#) and [ALCA-Iztapalapa](#).

[Council Resolution 02-01](#) – Instruction to the Secretariat to make public the factual record regarding the [Metales y Derivados](#) submission

[Council Resolution 02-02](#) – Instruction to the Secretariat regarding the [Río Magdalena](#) submission

[Council Resolution 02-03](#) – Instruction to the Secretariat regarding the [Molymex II](#) submission

[Council Resolution 02-13](#) – Instruction to the Secretariat regarding the [Cytrar II](#) submission

[JPAC Advice 02-03](#) – Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15

[JPAC Advice 02-07](#) – Work plan issue related to submissions under Articles 14 and 15

2003

The Secretariat received six submissions:

- two regarding Canada: [Ontario Power Generation](#) and [Montreal Technoparc](#); and
- four regarding Mexico: [Home Port Xcaret](#), [Lake Chapala II](#), [ALCA-Iztapalapa II](#) and [Cytrar III](#).

[Council Resolution 03-03](#) – Instruction to the Secretariat to make public the factual record for the [Migratory Birds](#) submission

[Council Resolution 03-04](#) – Instruction to the Secretariat regarding the [Tarahumara](#) submission

[Council Resolution 03-05](#) – Instruction to the Secretariat regarding the [Ontario Logging](#) submission

[Council Resolution 03-06](#) – Instruction to the Secretariat to make public the factual record for the [Aquanova](#) submission

[Council Resolution 03-12](#) – Instruction to the Secretariat to make public the factual record for the [BC Logging](#) submission

[Council Resolution 03-13](#) – Instruction to the Secretariat to make public the factual record for the [Oldman River II](#) submission

[Council Resolution 03-14](#) – Instruction to the Secretariat to make public the factual record for the [BC Mining](#) submission

[Council Resolution 03-15](#) – Instruction to the Secretariat to make public the factual record for the [Río Magdalena](#) submission

[Council Resolution 03-16](#) – Instruction to the Secretariat regarding the [Pulp and Paper](#) submission

[JPAC Advice 03-05](#) – Limiting the scope of factual records and review of the operation of CEC Council Resolution 09 related to Articles 14 and 15 of NAAEC

[Final Report: Issues Related to Articles 14 and 15 of the North American Agreement on Environmental Cooperation](#) – This report finds that, by defining the scope of the Secretariat's investigations in each of the four factual records it examines, the Council jeopardized the ability of those records to fully expose the controversy at issue.

2004

The Secretariat received seven submissions:

- three regarding Canada: [Oldman River III](#), [Ontario Logging II](#) and [Quebec Automobiles](#);
- three regarding Mexico: [Hazardous Waste in Arteaga](#), [Environmental Pollution in Hermosillo](#) and [Gasoline Spill in Tehuantepec](#); and
- one regarding the US: [Coal-fired Power Plants](#).

[Council Resolution 04-03](#) – Instruction to the Secretariat regarding the [Ontario Logging](#) submission

[Council Resolution 04-05](#) – Instruction to the Secretariat regarding the [Montreal Technoparc](#) submission

[Council Resolution 04-07](#) – Instruction to the Secretariat to make public the factual record for the [Molymex II](#) submission

[JPAC Advice 04-03](#) – [Review of the Operation of Council Resolution 00-09](#) on Matters related to Articles 14 and 15 of the Agreement

JPAC letters to the CEC Alternate Representatives of [April](#) and [June](#) on the review of the operation of [Council Resolution 00-09](#)

2005

The Secretariat received three submissions:

- three regarding Mexico: [Crushed Gravel in Puerto Peñasco](#), [Coronado Islands](#) and [Environmental Pollution in Hermosillo II](#).

[Council Resolution 05-04](#) – Instruction to the Secretariat regarding the [Ontario Logging II](#) submission

[Council Resolution 05-05](#) – Instruction to the Secretariat regarding the [ALCA-Iztapalapa II](#) submission

[JPAC letter to Council](#) concerning the decision on the public release of the Factual Record on the Tarahumara submission.

[Council Resolution 05-09](#) – Instruction to the Secretariat to make public the factual record for the [Tarahumara](#) submission

JPAC did not provide advice to Council regarding the SEM process in 2005.

2006

The Secretariat received six submissions:

- one regarding Canada: [Species at Risk](#);
- four regarding Mexico: [Ex Hacienda El Hospital](#), [Ex Hacienda El Hospital II](#), [Ex Hacienda El Hospital III](#) and [Los Remedios National Park](#); and
- one regarding Canada and the US: [Devils Lake](#).

[Council Resolution: 06-07](#) – Instruction to the Secretariat regarding the [Quebec Automobiles](#) submission

JPAC did not provide advice to Council regarding the SEM process in 2006.

[JPAC letter to the Council](#) asking for a Council decision on the public release of the Consolidated Factual Record for the [Ontario Logging](#) and [Ontario Logging II](#) submissions

2007

The Secretariat received five submissions:

- three relating to Canada: [Mount Orford Park](#), [Seal Hunting](#) and [St. Clair River](#); and
- two relating to Mexico: [Minera San Xavier](#) and [Drilling Waste in Cunduacán](#).

[Council Resolution: 07-02](#) – Instruction to the Secretariat to make public the factual record for the [Ontario Logging](#) and [Ontario Logging II](#) submissions

[Council Resolution: 07-03](#) – Instruction to the Secretariat to make public the factual record for the [Pulp and Paper](#) submission

JPAC did not provide advice to Council regarding the SEM process in 2007.

2008

The Secretariat received three submissions:

- one relating to Canada: [Air Pollution in Suburban Montreal](#); and
- two relating to Mexico: [La Ciudadela Project](#) and [Jetty construction in Cancun](#).

[Council Resolution: 08-01](#) – Instruction to the Secretariat regarding the [Lake Chapala II](#) submission

[Council Resolution: 08-02](#) – Instruction to the Secretariat to make public the factual record for the [ALCA-Iztapalapa II](#) submission

[Council Resolution: 08-03](#) – Instruction to the Secretariat regarding the [Coal-fired Power Plants](#) submission

[Council Resolution: 08-04](#) – Instruction to the Secretariat to make public the factual record for the [Montreal Technoparc](#) submission

[JPAC Advice 08-01](#) – Submissions on Enforcement Matters: From Lessons Learned to Following up Factual Records

2009

The Secretariat received five submissions:

- two regarding Canada: [Skeena River Fishery](#) and [Quebec Mining](#); and
- three regarding Mexico: [Transgenic Maize in Chihuahua](#), [Wetlands in Manzanillo](#) and [Los Remedios National Park II](#).

The Council did not adopt any resolutions regarding the SEM process in 2009.

[JPAC Advice 09-02](#) – The 2010 CEC Operational Plan, the CEC 2010–2015 Strategic Plan, and CEC Governance

2010

The Secretariat received 4 submissions:

- 2 regarding Canada: [Alberta Tailings Ponds](#) and [Iona Wastewater Treatment](#); and
- 2 regarding Mexico: [Sumidero Canyon](#) and [Bicentennial Bridge](#).

[Council Resolution: 10-05](#) – Instruction to the Secretariat regarding the [Species at Risk](#) submission

[JPAC Advice 10-04](#) – Draft Proposal to Examine the Governance of the CEC and the Implementation of the NAAEC

2011

The Secretariat received three submissions:

- two regarding Canada: [PCB Treatment in Grandes-Piles, Quebec](#) and [Protection of Polar Bears](#); and
- one regarding Mexico: [Sumidero Canyon II](#).

In a detailed response to the [Council's instructions](#) to the Secretariat to prepare a factual record on a limited scope of the [Species at Risk](#) submission, the [Submitters withdrew their submission](#).

[Council Resolution 11-02](#) – Instruction to the Secretariat of the Commission for Environmental Cooperation regarding the withdrawal of the [Species at Risk](#) submission

[JPAC Advice 11-04](#) – Submissions on Enforcement Matters (SEM) and Cross Border Movements of Chemicals in North America

2012

The Secretariat received two submissions:

- two regarding Canada: [BC Salmon Farms](#) and [St. Lawrence River Wind Farms](#).

[Council Resolution 12-03](#) – Instruction to the Secretariat regarding the consolidated submissions [Ex Hacienda El Hospital](#), [Ex Hacienda El Hospital II](#), [Ex Hacienda El Hospital III](#)

[Council Resolution 12-04](#) – Instruction to the Secretariat regarding the [Environmental Pollution in Hermosillo II](#) submission

[Council Resolution 12-09](#) – Instruction to the Secretariat to make public the factual record for the [Quebec Automobiles](#) submission

SEM modernization process:

[Proposed Changes to the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of NAAEC](#), by Council-directed Task Force on SEM Modernization

[Comments from the public](#) on the SEM Guidelines

[JPAC Advice 12-01](#) – Task Force Proposals for Changes to the Guidelines for Submissions on Enforcement Matters

[Council Resolution 12-06](#) – Adoption of revised [Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation](#)

[Ministerial Statement](#) from the 19th Regular Session of the CEC Council, with remarks on Modernizing the Submissions on Enforcement Matters Process

2013

The Secretariat received three submissions:

- one regarding Mexico: [Tourism Development in the Gulf of California](#); and
- two regarding the US: [Refinery Releases in Shreveport, Louisiana](#), and [Louisiana Refinery Releases](#).

[Council Resolution 13-01](#) – Instruction to the Secretariat to make public the factual record for the [Lake Chapala II](#) submission

JPAC did not provide advice to Council regarding the SEM process in 2013.