



CEC
CCA
CCE

Submissions on Enforcement Matters

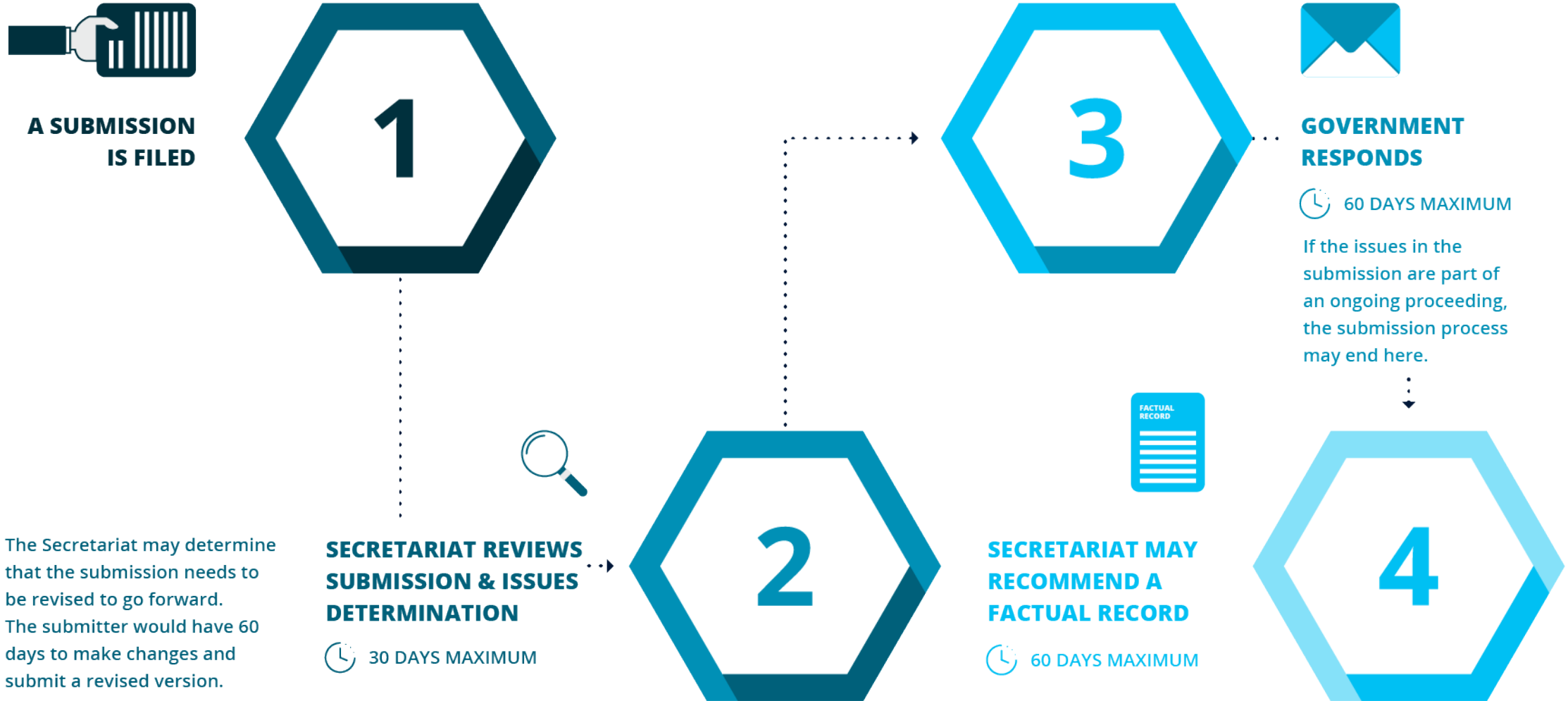
USMCA Chapter 24



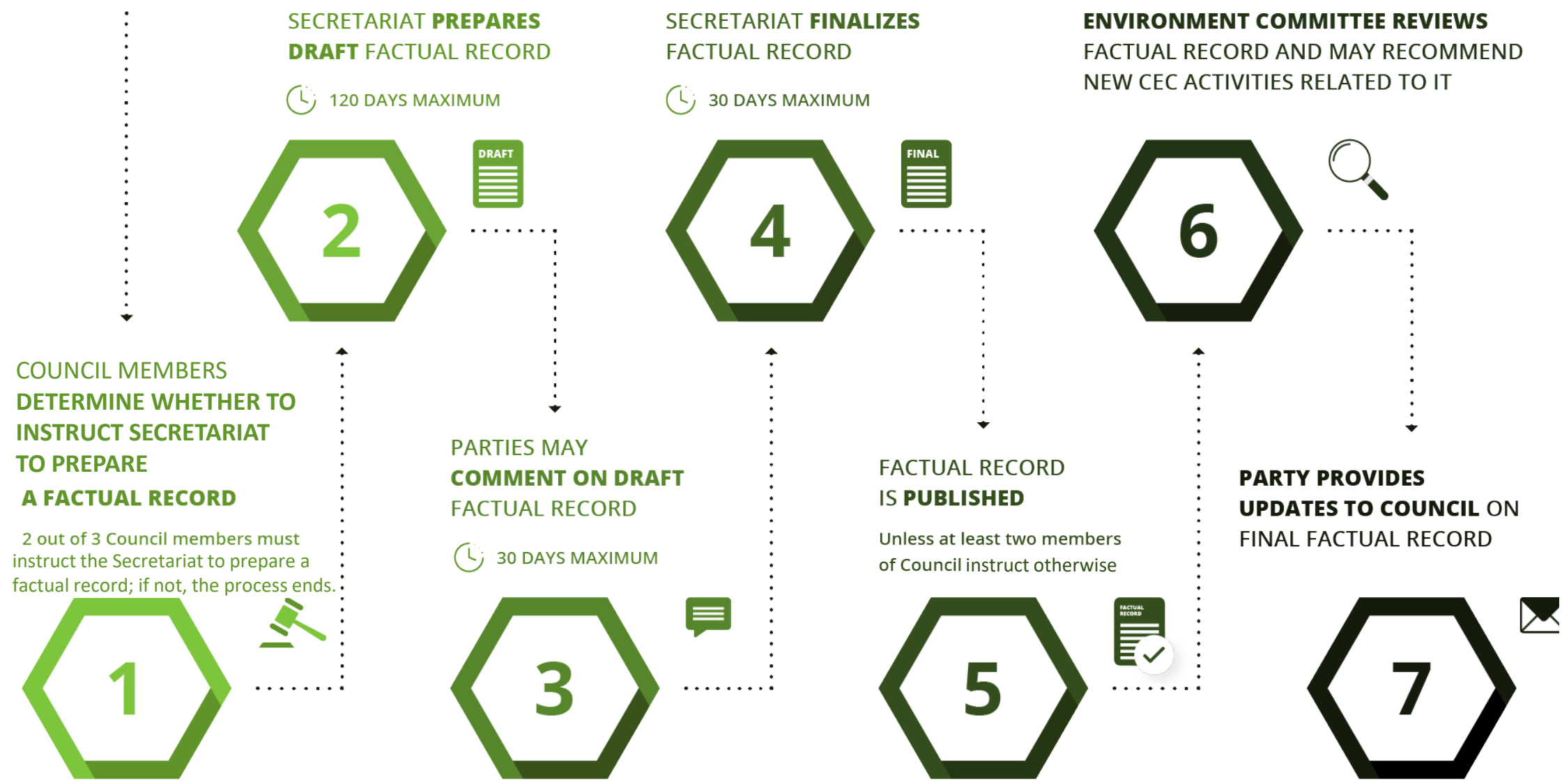
Submissions on Enforcement Matters Process

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

Submission on Enforcement Matters Process

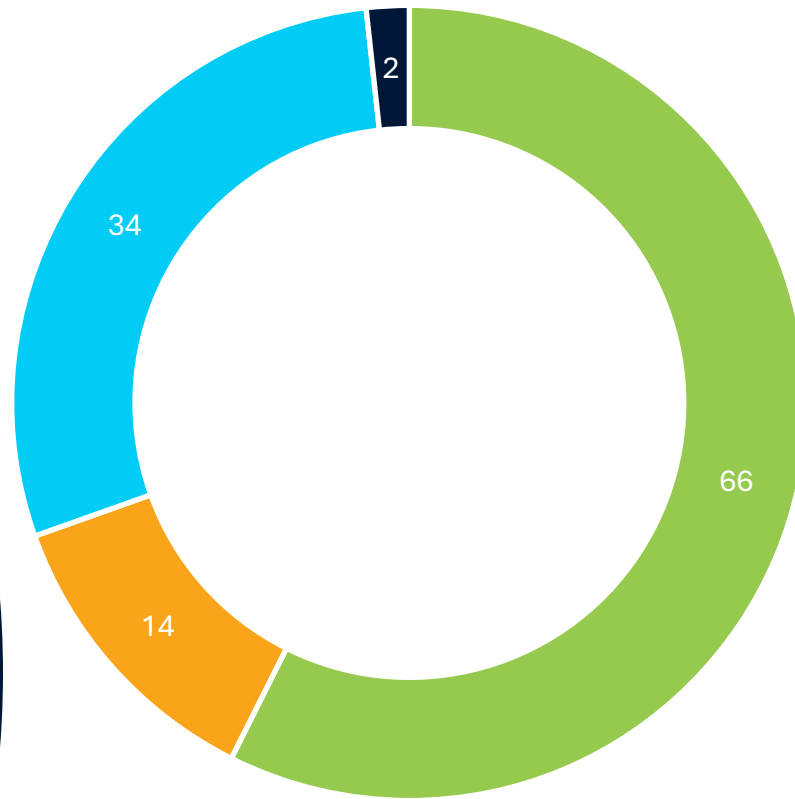


What Happens When the Secretariat Recommends a Factual Record?



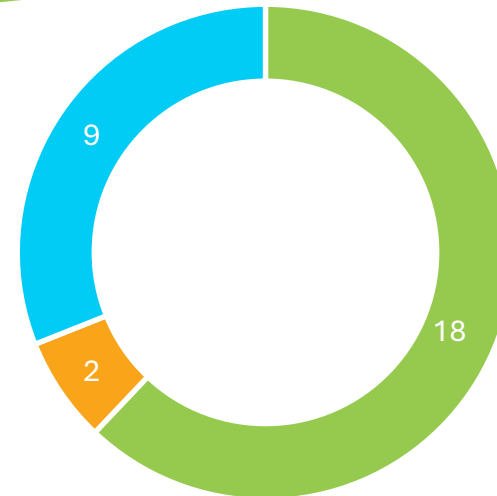
*PROCESS USUALLY TAKES 14 MONTHS

Submissions & Factual Records



■ Mexico
■ United States
■ Canada
■ US/Canada

Total: 116
USMCA/CUSMA:18

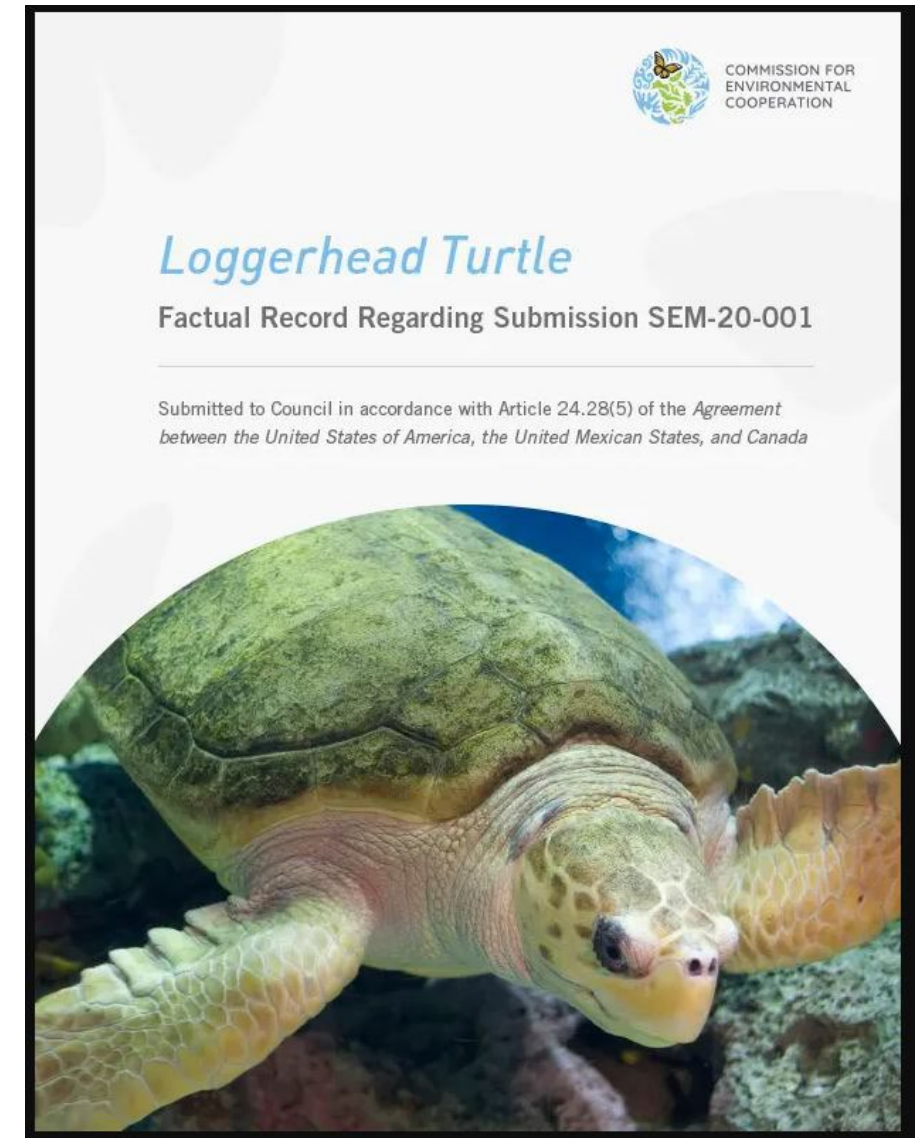


■ Mexico
■ United States
■ Canada

Total: 29
USMCA/CUSMA: 2

Loggerhead Turtle

- Centro Mexicano de Derecho Ambiental (CEMDA) and the Center for Biological Diversity filed a submission asserting that Mexico is failing to effectively enforce legal provisions meant to protect the loggerhead turtle (*Caretta caretta*) from fishing activities and other threats.
- The loggerhead turtle is listed as endangered under Mexican Law, but thousands of specimens have been found stranded or dead since 2010.
- These North Pacific Ocean loggerhead turtles migrate nearly 8,000 miles from nesting beaches in Japan to Baja California, Mexico where they grow to maturity (~20 years) before migrating back to the beaches where they hatched to mate, nest, and live out the rest of their lives.
- In April 2024, the Secretariat published a factual record on the loggerhead turtle, the first under the USMCA.



Vaquita Porpoise

- Four US environmental advocacy groups filed a submission asserting that Mexico is failing to effectively enforce its environmental laws to protect the vaquita porpoise from decline caused by its bycatch in gillnets used to catch shrimp & other fish, including the totoaba which is also threatened by illegal fishing.
- The vaquita porpoise (*Phocoena sinus*) is the world's smallest cetacean and the most endangered marine mammal. Less than 10 vaquitas remain.
- On August 2025 the Secretariat published a Factual Record regarding the effective enforcement of the General Wildlife Law (*Ley General de Vida Silvestre*) and federal regulations governing fishing in vaquita habitat, including regulations that prohibit the use of gillnets and the capture of totoaba.



North Atlantic right whale

- Filed by Oceana, an NGO based in the US.
- Asserts that the United States is failing to effectively enforce environmental laws to protect the right whale from vessel strikes and entanglement in fishing gear.
- The North Atlantic right whale is one of the world's most endangered large whale species.
 - The latest estimate suggests there are approximately 384 left, with ~70 breeding females.
 - The principal causes of mortality and serious injury are fishing gear entanglement and vessel strikes.
- Secretariat is set to publish the Final Factual Record on December 12 2025.



Active Submissions - Factual Records

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|------------------------------------|--|
| 1. North Atlantic right whale | Secretariat to publish the FFR (December 2025) |
| 2. Tren Maya | <i>Council members' instruction pending</i> (April 2023) |
| 3. Avocado Production | <i>Council members' instruction pending</i> (Sept 2023) |
| 4. Valle de Bravo Sub-Basin | <i>Council members' instruction pending</i> (Oct 2023) |
| 5. Illegal Logging in Jalisco | <i>Council members' instruction pending</i> (Oct 2023) |
| 6. Agave Production | <i>Council members' instruction pending</i> (Nov 2023) |
| 7. Vessel Pollution Pacific Canada | <i>Council members' instruction pending</i> (June 2024) |
| 8. Sonora Railway Project | <i>Council members' instruction pending</i> (April 2025) |
| 9. Nazas River lower-basin | Mexico to respond (Jan 2026) |