SUBMISSION ON ENFORCEMENT MATTERS

Article 24.27 of the Agreement between the United States of America, the United Mexican States, and Canada (USMCA / T-MEC)

English courtesy translation. The original is the Spanish version, filed by e-mail on November 26, 2026.

Secretariat of the Commission for Environmental Cooperation, Legal Affairs and SEM. 700 rue de la Gauchetière, bureau 1620, Montreal (Quebec), Canada, H3B 5M2. E-mail: sem@cec.org

PART I. SUBMITTER IDENTIFICATION

B. Submitter (legal entity).

• Name: **Recintos Fiscalizados del Noreste, S.A. de C.V.** (RFN).

• Representative: Dr. Rogelio González Achirica, legal representative (notarial instrument 2,132, dated July 5, 2013, Notary Public No. 304, Reynosa, Tamaulipas).

• Incorporation: Mexican corporation incorporated by public deed 3,687, volume 77, dated August 7, 1984, executed before Notary Public No. 156 of the then Federal District (now Mexico City), recorded in the Public Registry of Commerce under number 74934 on August 23, 1984. Mexican Tax ID (RFC): RFN840831FP5.

• Address: Boulevard Luis Donaldo Colosio 200, interior 1, colonia Módulo de Agentes Aduanales, C.P. 88786, Reynosa, Tamaulipas, Mexico.

• Telephones: [redacted] E-mail: [redacted]

Confidentiality: the Submitter does **not** request that its identity be withheld.

PART III. THE SUBMISSION

E. Party concerned: United Mexican States.

F. Environmental law not being effectively enforced (USMCA Article 24.1: laws whose primary purpose is the control of hazardous materials and wastes):

1. **General Law for the Prevention and Integral Management of Wastes (LGPGIR):** Articles 85 (imports and exports of hazardous wastes are subject to the restrictions of that Law, its Regulations and the treaties to which Mexico is a party), 87 (prior consent of the importing country), 88 (tracking system for transboundary movements), and 101 to 103 (inspection and surveillance by the Ministry, with corrective measures and sanctions, and the duty to refer to the competent authority any offense detected).

2. **Regulations of the LGPGIR** (Official Gazette, November 30, 2006): Article 107 (the Ministry acts, together with the customs authorities, at customs premises (recintos fiscales), ports, airports and terminals to control wastes being imported or exported), Article 118 (waste deemed illegally imported when detected during inspection or verification at borders) and Article 154 (inspection and surveillance through the Federal Attorney for Environmental Protection, PROFEPA, with safety and corrective measures and sanctions).

3. **General Law of Ecological Balance and Environmental Protection (LGEEPA):** Article 153 (imports and exports of hazardous materials and wastes are subject to the Ministry's surveillance; exports require the express consent of the receiving country; wastes generated from temporarily imported inputs must be returned to the country of origin) and Article 161 (inspection and surveillance).

4. **Official Mexican Standard NOM-052-SEMARNAT-2005** (Official Gazette, June 23, 2006), which classifies as hazardous, among others, spent lead-acid batteries.

5. **Agreement establishing the goods whose import and export is subject to regulation by SEMARNAT** (Official Gazette, December 26, 2020, as amended on January 19, October 7 and December 6, 2022).

For context only, and not as environmental law whose enforcement is asserted, reference is made to the Basel Convention (Mexican Official Gazette, August 9, 1991), in particular Articles 4.3, 4.4 and 9.1; the 1983 La Paz Agreement and its Annex III; and Article 36-A of the Mexican Customs Law.

G. STATEMENT OF FACTS

Assertion. Mexico is failing to effectively enforce its legislation on transboundary movements of hazardous wastes at the Reynosa–Pharr crossing. Since October 2025, inspection of those wastes has taken place at a private building that lacks the infrastructure needed to physically inspect a tractor-trailer. Inspection certificates are issued there at a rate, and with a result (100 % approved), that are not compatible with physical inspections. The competent authorities have been informed in writing on repeated occasions and have not acted.

Facts.

1. Reynosa, Tamaulipas, is one of the main northern border crossings for the return to the United States of hazardous wastes generated by the maquiladora industry, and for the import of spent batteries for recycling. Between 1996 and 2019, the State of Tamaulipas returned 443,264 tonnes of industrial hazardous wastes to their country of origin, about one quarter of the national total (SEMARNAT Compendium of Environmental Statistics; Document 10).

2. For about twenty-five years, the Federal Attorney for Environmental Protection (PROFEPA), the authority responsible for inspecting those movements, operated its inspection point inside the concessioned bonded facility (recinto fiscalizado) of the Ciudad Reynosa Customs House, held by the Submitter. Goods were inspected there without leaving customs control, as provided in Article 107 of the LGPGIR Regulations.

3. Through loan-for-use agreement (comodato) PFPA-SLEJA-CC-12-2025, signed on July 25, 2025, PROFEPA received from the Asociación de Agentes Aduanales de Reynosa, A.C. (Reynosa Customs Brokers Association) a building at Boulevard Luis Donaldo Colosio 1027, colonia Nuevo Amanecer, an urban area of Reynosa, 742 meters from the Customs House. According to the agreement itself, it consists of a 35 m² office and an "80 m² ramp area" (Document 1). Since late 2025, inspection of hazardous wastes in foreign trade has taken place there.

4. No authority designated that building as an inspection site. PROFEPA reported that the agreement was validated as an instrument that "involves acts of administration" and that the unit that validated it "does not grant or validate authorizations or permits" (Document 2). The Ciudad Reynosa Customs House stated that it did not take part in, and has no knowledge of, the installation of the inspection point (Document 3).

5. According to PROFEPA's own data, provided by its Transparency Unit (Document 4), from November 4, 2025 to April 17, 2026, 1,066 inspection certificates were issued at that building:

a) 100 % with the result "approved";

b) all signed by the same inspector;

c) an average of 10.25 per day and a maximum of 22 in a single day;

d) 88.4 % for a single company;

e) 104 of them for exports of hazardous wastes to the United States.

6. On October 2, 2026, a notary public certified that the building has no booth, sluice gates, weighbridge or ramps. The notary did not identify any customs personnel. A transport unit entered and left within five minutes without physical inspection (Document 5). The notary did not find the 80 m² of ramps declared in the agreement. Without a ramp or forklift, it is not apparent how the cargo of a tractor-trailer carrying hazardous wastes could be unloaded and inspected, nor how 22 such inspections could be performed in one day.

7. By contrast, Mexico's agri-food health authority (SENASICA) authorizes its inspection points only after on-site verification of measured infrastructure. In the same city, its authorization of a private inspection point specifies twenty dock doors and a 688 m² loading dock (Document 6).

8. If units are not physically inspected and certificates are nonetheless issued, the Mexican authorities are not verifying what the law requires them to verify: that the waste crossing the

border corresponds to what was declared and authorized in quantity, classification and handling conditions. Nor do they ensure that the information in the tracking system and in the notices to the United States authorities is accurate (LGPGIR, Articles 87 and 88).

Harm to the environment. The building is in an urban area, outside the customs perimeter, and the wastes travel on city streets to reach it. Incidents involving hazardous cargo have been documented at this crossing:

a) a fire start in a dry van carrying hazardous wastes, on the fiscal access route, on October 21, 2024;

b) a battery-acid spill inside a dry van carrying hazardous wastes, on October 15, 2025;

c) a tractor-trailer fire inside the Customs House facilities, also on October 15, 2025 (Document 7).

According to the Submitter's records, 15 to 18 tractor-trailers with 53-foot trailers loaded with hazardous wastes enter daily between 10:00 a.m. and 2:00 p.m. During the same hours, approximately 150 fuel tanker trucks pass through the crossing.

Without effective inspection, the risk of leaks, spills and fires involving lead-acid batteries and other hazardous wastes remains uncontrolled, to the detriment of the population on both sides of the border.

Communication to the authorities and responses. The Submitter informed the Mexican authorities of these facts in writing:

a) PROFEPA, on October 3 and 6, 2025, and in later petitions. The response was official letter PFPA/5.2/11654 cited above; no inspection measures were taken;

b) the National Customs Agency of Mexico (ANAM), since October 2025. It replied that it acts in coordination with the competent authorities, without taking measures;

c) the Internal Control Bodies: complaints of December 6, 2025 and November 5, 2026. The latter is under investigation (file 2026/SEMARNAT/DE341);

d) PROFEPA, through a citizen complaint (denuncia popular) filed on November 12, 2026 with its Tamaulipas Office and forwarded on November 13 to its Deputy Office for Industrial Inspection and Surveillance;

e) the Office of the Attorney General of the Republic (FGR), investigation file FED/TAMP/REY/2479/2025, where no progress has been recorded.

The supporting records are provided (Document 8).

Remedies pursued. The Submitter has exhausted the reasonable remedies available to it:

• petitions under the constitutional right of petition;

- access-to-information requests;
- administrative and criminal complaints;
- proceedings before the Federal Court of Administrative Justice and amparo proceedings.

None has resulted in effective inspection of transboundary movements of hazardous wastes at the crossing.

Submitter's interest and purpose. The Submitter discloses that it holds the bonded facility where the inspection point operated and that it has disputes with the authorities over its relocation. This submission does not seek to resolve those disputes or to harm any company. Its purpose is for Mexico to effectively enforce its hazardous-waste legislation at a high-volume crossing, wherever the inspection takes place.

Sources. This submission is not based on mass-media reports. It is based on official documents of the authorities themselves, a notarial instrument and the Submitter's records.

Factual record requested. The Secretariat is respectfully asked, after Mexico's response, to recommend the preparation of a factual record on five points:

a) the number of hazardous-waste inspection certificates issued in Reynosa since 2025, compared with the physical inspections actually performed;

b) the place, time and duration of those inspections;

c) the infrastructure of the place where they are performed;

d) the correspondence between those certificates and the notices and consents for the transboundary movements;

e) the measures taken by PROFEPA and SEMARNAT in response to the Submitter's communications.

H. SUPPORTING DOCUMENTS

1. Loan-for-use agreement PFPA-SLEJA-CC-12-2025.

2. PROFEPA official letter PFPA/5.2/11654, dated December 9, 2025.

3. ANAM response to access-to-information request 342746500007326, dated March 6, 2026.

4. PROFEPA official letter PFPA/1.3/12C.6/1196/2026, dated May 12, 2026, and its annex.

5. Notarial instrument 3,899, dated October 2, 2026.

6. SENASICA official letter B00.03.01.-5092-2026 and the authorization of the Verificarnes inspection point.

7. Photographs of the incidents of October 21, 2024 and October 15, 2025.

8. The Submitter's filings with PROFEPA, ANAM, the Internal Control Bodies and the FGR, with proof of receipt; and official letter SABG/420/OICSEMARNAT/ADI/2434/2026.

9. ANAM official letter 500-01-00-00-00-2026-001, dated January 5, 2026.

10. Table "Return to the country of origin of industrial hazardous wastes," SEMARNAT Compendium of Environmental Statistics.

Reynosa, Tamaulipas, November 27, 2026.

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Legal representative of Recintos Fiscalizados del Noreste, S.A. de C.V.