

Secretariat of the Commission for Environmental Cooperation
Secretariat Determination under Article 24.27(2) and (3) of the
Canada–United States–Mexico Agreement

Submitter: William Guindon
Party: Canada
Date of Submission: 4 May 2026
Date of Determination: 3 June 2026
Submission No.: SEM-26-003 (*Hazardous Waste Disposal in Blainville*)

I INTRODUCTION

1. The *Canada–United States–Mexico Agreement* (CUSMA) and the *Environmental Cooperation Agreement* (ECA) entered into force on 1 July 2020. Since then, the Submissions on Enforcement Matters (SEM) process, initially provided for in Articles 14 and 15 of the *North American Agreement on Environmental Cooperation* (NAAEC), has been governed by CUSMA Articles 24.27 and 24.28. The Secretariat of the Commission for Environmental Cooperation (CEC)¹ remains responsible for implementing the SEM process, as provided by the ECA.²
2. The SEM process allows any person of a Party — that is, any national or any entity constituted under the laws of a Party — to file a submission asserting that a Party is failing to effectively enforce its environmental laws. The CEC Secretariat (hereinafter “the Secretariat”) conducts an initial review of the submission in accordance with the criteria set out in CUSMA Article 24.27(1) and (2). If it finds that the submission meets those criteria, the Secretariat then determines, under Article 24.27(3), whether to request a response from the Party concerned. In light of the Party’s response, the Secretariat decides whether the matter under review warrants the development of a Factual Record and, if so, informs the CEC Council and the Environment Committee,³ setting out the reasons for its

¹ The CEC was established in 1994 under the *North American Agreement on Environmental Cooperation* (NAAEC), concluded by Canada, Mexico and the United States (the “Parties”). The constitutive bodies of the CEC are the Council, the Secretariat and the Joint Public Advisory Committee (JPAC).

² The Secretariat acknowledges the principle that, although the provisions governing the SEM process are set out in Chapter 24 of the CUSMA, certain related procedures have been established under the ECA, namely: the role of the Secretariat in implementing the submissions process, the role of the Council in the exchange of information with the Environment Committee, the development and public release of Factual Records, and the cooperative activities of the Council. The Secretariat is aware of Article 2(3) of the ECA, which provides, *inter alia*, that “[t]he Commission shall continue to operate in accordance with the modalities in place at the time this Agreement enters into force, including its rules, policies, guidelines, procedures and resolutions, to the extent that those modalities are consistent with this Agreement.”

³ The Environment Committee is established under CUSMA Article 24.26(2) and is tasked with “overseeing the implementation” of Chapter 24 of that Agreement.

recommendation, in accordance with Article 24.28(1). Otherwise, the Secretariat terminates the review of the submission.⁴

3. On 4 May 2026, the CEC Secretariat received a submission (the “Submission”)⁵ from William Guindon, a Canadian teenager (the “Submitter”), pursuant to CUSMA Article 24.27(1). Following verification by the Secretariat, the Submitter consented to the public disclosure of his identity.
4. The Submitter asserts that Canada is failing to effectively enforce its environmental laws aimed at protecting migratory birds, species at risk, and natural environments in connection with a hazardous-materials landfill project in Blainville. Specifically, the Submitter cites provisions of the *Migratory Birds Convention Act, 1994* (MBCA),⁶ the *Species at Risk Act* (SARA),⁷ and the *Fisheries Act* (FA).⁸
5. The Submitter argues that, by allowing digging activities during nesting periods, Canada is breaching its obligations to protect migratory birds in the Great Bog of Blainville (*Grande Tourbière de Blainville*).⁹ The Submitter adds that the failures to effectively enforce environmental laws occur more specifically in connection with cell 6 of the hazardous-materials landfill project.¹⁰
6. In the Submission, the Submitter explains that the project carried out by Stablex, a hazardous waste treatment and disposal company, “involves the disposal of millions of items of toxic waste” threatening the ecosystem and resulting in the presence of heavy metals in the water well above permitted thresholds.¹¹
7. After reviewing the Submission, the Secretariat finds that it does not meet all the eligibility criteria of CUSMA Article 24.27(2) and 24.27(3). More specifically, the Submission does not meet the criteria set out in subparagraphs (c) and (e) of Article 24.27(2) and the criterion set out in subparagraph (c) of Article 24.27(3). The Submitter may choose to file a revised submission providing additional information sufficient to allow the submission to be reviewed in light of the assertions presented therein and the provisions cited. If the Submitter chooses to file a revised submission, they must also indicate whether the matter raised has previously been communicated in writing to the relevant authorities. Finally, the Submitter must also demonstrate that a remedy provided under the Party’s law has been pursued, or that it is not possible to pursue such a remedy.

⁴ Detailed information on the various stages of the SEM process, the public registry of submissions, and the Secretariat’s determinations and Factual Records is available on the “Submissions on Enforcement Matters” page of the CEC website, at <www.cec.org/submissions>. Certain CEC documents are available only in Spanish and/or English.

⁵ SEM-26-003 (*Hazardous Waste Disposal in Blainville*), Submission under CUSMA Article 24.27(1) (4 May 2026), at: <<https://bit.ly/4dLceHU>> [Submission].

⁶ SC 1994, c. 22 [MBCA].

⁷ SC 2002, c. 29 [SARA].

⁸ RSC 1985, c. F-14 [FA].

⁹ Submission.

¹⁰ Id.

¹¹ Id.

8. The Submitter has 60 days from the date of this determination to file a revised submission so that the eligibility review may continue. If the revised submission is not received by **3 August 2026**,¹² the Secretariat must terminate submission SEM-26-003 (*Hazardous Waste Disposal in Blainville*). The reasons of the Secretariat are set out below.

I. SUMMARY OF THE SUBMISSION.

9. On 1 May 2026, a Canadian teenager filed a submission in a personal capacity with the Secretariat under Chapter 24 of the CUSMA. In it, the Submitter asserts that Canada is failing to effectively enforce its environmental laws with respect to the protection of migratory birds and species at risk and by permitting the release of harmful substances into the environment beyond the limits provided by law.
10. In the Submission, the Submitter argues that the project carried out by Stablex results in the disposal of millions of tonnes of toxic waste in an area of environmental significance. According to the Submitter, excavation activities in the Blainville Great Bog during bird nesting periods, allegedly allowed by Canada under the landfill project, breach Canadian environmental laws. The Submitter also indicates that water-quality analyses in the area reveal cadmium levels 320 times above regulatory thresholds and asserts that the Fauvel lakes ecosystem is threatened by this contamination.
11. The Submitter adds that Québec, by enacting *An Act respecting, in particular, the transfer of ownership of an immovable of Ville de Blainville*,¹³ known as “Bill 93”, prevents the judicial recourses that could compel the government to comply with federal environmental laws.

II. ANALYSIS

12. The Secretariat is authorized to review any submission asserting that a Party to the CUSMA is failing to effectively enforce its environmental laws. The Secretariat reiterates that the criteria set out in CUSMA Article 24.27(1), (2) and (3) are not intended to be an insurmountable procedural screening device¹⁴ and must therefore be interpreted broadly,

¹² For clarity purposes, please note that the following principles have been applied to calculate the CUSMA deadlines applicable to the SEM process:

1. Deadlines are counted in calendar days, which means that holidays and weekends are included in the count.
2. The day on which the deadline begins to run is not counted, and the day on which the deadline ends is counted.
3. If a deadline falls on a weekend or holiday, it is extended to the next Monday or business day.
4. If a document is received on a non-business day, the first day of the count is moved to the next business day; therefore, if a document is received on a Saturday, Sunday, or holiday, it will be considered to have been received on the following Monday or next business day.
5. Holidays correspond to those observed at the location of the CEC Secretariat. However, if a Party's deadline falls on a holiday observed by that Party, it may notify the Secretariat in advance, and the count shall be adjusted to end on the next business day for that Party.

¹³ SQ 2025, c. 7 [Bill 93].

¹⁴ SEM-20-001 (*Loggerhead Turtle*), Determination under CUSMA Article 24.27(2) and (3) (8 February 2021), § 8, at: <<https://bit.ly/4uZDqcy>>; SEM-21-001 (*Fairview Terminal*), Determination under CUSMA Article 24.27(2) and (3) (9 March 2021), § 6, at:

in accordance with the objectives of Chapter 24 of the CUSMA.¹⁵ It is in this spirit that the Secretariat has reviewed the Submission.

A. Article 24.27(1)

13. CUSMA Article 24.27(1) provides that “[a]ny person of a Party may file a submission asserting that a Party is failing to effectively enforce its environmental laws”.
14. CUSMA Article 1.5¹⁶ defines a “*person of a Party*” as “a national of a Party or an enterprise of a Party”. In turn, “*national*” means “a natural person who has the nationality [or permanent resident status] of a Party”, while an “*enterprise*” means “any entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organization”.¹⁷
15. The Submission states the name of the Submitter, their postal address, telephone number, email address and nationality. Being a Canadian citizen, the Submitter meets the definition of “person of a Party” within the meaning of Article 1.5 and therefore satisfies this requirement under CUSMA Article 24.27(1).

B. Environmental laws in question

16. In order to determine whether the Submission concerns “environmental laws” within the meaning of CUSMA Article 24.27(1), reference must be made to the definition provided in the agreement. CUSMA Article 24.1 provides as follows:

“*environmental law* means a statute or regulation of a Party, or provision thereof, including any that implements the Party’s obligations under a multilateral environmental agreement, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through:

- a) the prevention, abatement or control of the release, discharge or emission of pollutants or environmental contaminants;
- b) the control of environmentally hazardous or toxic chemicals, substances, materials or wastes, and the dissemination of information related thereto; or
- c) the protection or conservation of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas,

but does not include a statute or regulation, or provision thereof, directly related to worker safety or health, or any statute or regulation, or provision thereof, the primary purpose of

<<https://bit.ly/4egjFbd>>; SEM-21-002 (*Vaquita Porpoise*), Determination under CUSMA Article 24.27(2) and (3) (8 September 2021), § 8, at: <<https://bit.ly/4uj2pXW>>.

¹⁵ Canada–United States–Mexico Agreement, Chapter 24, at Article 24.2, at: <<https://bit.ly/48OQUiX>> and <<https://bit.ly/3PhQBXI>>. [CUSMA].

¹⁶ The Secretariat considers the adoption of the Protocol of Amendment to the Agreement between Canada, the United States of America and the United Mexican States (“the Protocol”), through which provisions were added to Chapters 1 and 24, resulting in the renumbering of certain articles of that instrument. Such is the case of Article 1.5 “General Definitions,” initially Article 1.4, but subsequently renumbered in accordance with the Protocol, at: <<https://bit.ly/4fQANWf>>.

¹⁷ CUSMA.

which is managing the subsistence or aboriginal harvesting of natural resources; and
statute or regulation means:

- a) for Canada, an Act of the Parliament of Canada or regulation made under an Act of the Parliament of Canada that is enforceable by action of the central government;
[...]"

(footnotes omitted)

17. Even where a statute has the protection of the environment as its purpose, the provisions cited by a submitter may not show a sufficient connection with the matters raised in their submission. The Secretariat has assessed whether the provisions cited in submission SEM-26-003 (*Hazardous Waste Disposal in Blainville*) correspond to environmental laws within the meaning of CUSMA and whether they bear a connection to the situation addressed by the Submitter. The Secretariat concludes that the provisions to which the Submitter refers are all environmental laws, but that they are not all relevant to the issues addressed by the Submitter.
18. The legal instruments cited by the Submitter are listed below in Table 1:

Table 1. Legal instruments and provisions cited in the submission

| Name | Acronym | Cited provisions |
|--|---------|--------------------|
| <i>Migratory Birds Convention Act, 1994</i> (SC 1994, c. 22) | MBCA | Sections 5 and 6 |
| <i>Species at Risk Act</i> (SC 2002, c. 29) | SARA | Sections 32 and 33 |
| <i>Fisheries Act</i> (RSC 1985, c. F-14) | FA | Section 36(3) |

a) *Migratory Birds Convention Act, 1994*

19. **Section 5** of the **MBCA** provides that it is **(a)** prohibited to have in one's possession a migratory bird or its nest, or **(b)** to buy, sell, exchange or give a migratory bird or its nest, or to traffic in any such bird or nest. The Secretariat considers that section 5 of the **MBCA** has the protection of the environment as its primary purpose, since it aims to protect migratory birds and their nests, thereby contributing to the conservation of wildlife. However, the Submission does not address any issue related to the possession, sale or trade of migratory birds or their nests. The Secretariat therefore does not retain this provision for analysis, since it does not relate to the issues raised by the Submitter.
20. **Section 6** of the **MBCA** establishes certain powers of the designated Minister with respect to game officers and the personnel needed to enforce the **MBCA** and its regulations. The Secretariat considers that this provision qualifies as an environmental law within the

meaning of CUSMA since it concerns the delegation of powers to the designated official in connection with the enforcement of a statute the purpose of which is the protection and conservation of migratory birds and their nests.¹⁸ In previous determinations, the Secretariat has maintained that a provision whose function is the distribution of powers may have “as its purpose the protection of the environment through contributions to the efficiency, organization, order, and accountability of the state apparatus as regards its environmental functions” and that “the distribution of powers, the assignment of duties, and delegation of environmental authority are not merely a matter of administration”.¹⁹ Although section 6 of the MBCA qualifies as an environmental law under the wording of CUSMA Article 24.1, the Submission raises no question concerning the exercise of the Minister’s powers in relation to game officers or game officers’ arrest powers. For this reason, the Secretariat does not retain this provision for analysis.

21. The Secretariat nevertheless observes that the MBCA, a federal statute implementing the Convention for the protection of migratory birds in Canada and the United States, bears a connection to certain points raised in the Submission, including the assertion that excavation activities take place during migratory bird nesting periods. In addition, the regulations made under the MBCA address certain aspects of the statute with greater specificity and complete the legal framework of the MBCA.²⁰ If the Submitter files a revised submission, they may, as appropriate, specify the reasons that led them to cite sections 5 and 6 of the MBCA, or cite sections of the MBCA and/or its regulations that relate to the issues raised.

b) *Species at Risk Act*

22. **Section 32** of the **SARA** prohibits killing an individual of a wildlife species listed under the Act, or harming, harassing, capturing or taking it (subsection (1)). This provision also prohibits possessing, collecting, buying, selling or trading an individual belonging to a listed species (subsection (2)). The Secretariat considers that section 32 of the SARA has the protection of the environment as its primary purpose, since it aims to protect species at risk by prohibiting their killing, capture or any conduct harmful to them, as well as the collection or trade of such species. The Submitter’s assertions regarding excavation activities and the disposal of hazardous waste are also sufficient at this stage to establish a

¹⁸ MBCA, art. 4.

¹⁹ SEM-24-003 (*Sonora Railway Project*), Notification under Article 24.28(1) (10 April 2025), § 21, at: <<https://bit.ly/42y8yE4>>; SEM-25-001 (*Lower Nazas River Basin*), Determination under Article 24.28(1) (10 April 2026), § 58, at: <<https://bit.ly/4ubTY1i>>.

²⁰ The Secretariat analyzed the MBCA and the *Migratory Birds Regulations* (CRC, c. 1035, repealed), at: <<https://bit.ly/3PX8on1>> [ROM 2006], in SEM-02-001 and SEM-04-006 (*Ontario Logging and Ontario Logging II*), Factual Record prepared under Article 15 of the NAAEC (5 February 2007), section 5.2, at: <<https://bit.ly/3RFFto8>> [*Ontario Logging*]; see also SEM-02-001 (*Ontario Logging*), Determination under NAAEC Articles 14(1) and (2) (25 February 2002), at 5, at: <<https://bit.ly/4uy2FmO>>, in which the Secretariat examined section 6(a) of the ROM 2006 (now section 5(1)(b) and (c) of the *Migratory Birds Regulations*, SOR/2022-105, at: <<https://bit.ly/3Q04mtU>>). The Secretariat concluded that the provision qualified as an environmental law within the meaning of the NAAEC, given that its primary purpose was the protection of the environment through the protection of wildlife and flora.

connection with section 32 of the SARA, since this provision prohibits activities harmful to endangered, threatened or extirpated species. The Secretariat therefore retains section 32(1) of the SARA for analysis.

23. **Section 33** of the **SARA** provides that it is prohibited to damage or destroy the residence of one or more individuals of endangered, threatened or extirpated species. This provision refers to section 2(1) of that same Act, which defines the “residence” of a species as a “[d]welling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating”.²¹ Section 33 of the SARA constitutes an environmental law in accordance with CUSMA Article 24.1, given that its primary purpose is to ensure the protection of the habitat of threatened species.²² This provision also relates to the submission’s assertions as regards nesting periods. The Secretariat retains section 33 of the SARA for analysis.
24. The Secretariat notes that the Canada Warbler (*Cardellina canadensis*) and the Eastern Wood-Pewee (*Contopus virens*), two species referenced by the Submitter in connection with the SARA, are both listed in the act’s schedules. The Canada Warbler is listed as a threatened species in Part 3 of Schedule 1 of the SARA.²³ The Eastern Wood-Pewee is listed as a species of special concern in Part 4 of Schedule 1.²⁴ Certain documents appended to the Submission reference the presence of these two species in the Great Bog of Blainville area.²⁵ The Secretariat does not comment on the potential inapplicability of the above referenced SARA provisions to species of special concern; its analysis is limited to determining if the provisions qualify as environmental law within the meaning of CUSMA Article 24.1 and to their apparent relevance in the context of the Submission.

c) *Fisheries Act*

25. Section 36(3) of the FA prohibits the deposit or release of a deleterious substance in waters frequented by fish, or in any other place where the substance concerned may enter waters frequented by fish. As for what constitutes a deleterious substance, section 34(1) of that same Act specifies that it means:

“(a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, or

(b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of

²¹ SARA, s. 2(1).

²² SEM-11-003 (*Protection of Polar Bears*), Determination under NAAEC Articles 14(1) and (2) (29 November 2012), § 32, at: <<https://bit.ly/4fkBWW4>>; SEM-06-005 (*Species at Risk*), Determination under NAAEC Articles 14(1) and (2) (11 December 2006), at 4, at: <<https://bit.ly/3OS5css>>.

²³ SARA, Schedule 1.

²⁴ Id.

²⁵ Submission.

degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water [...]”.

Section 36(3) of the FA aims to protect fish, fish habitat, and humans in their use of fish.²⁶ The Secretariat determines that section 36(3) of the FA constitutes an environmental law in accordance with CUSMA Article 24.1, in that its primary purpose is the protection of the environment, wildlife and its habitat through the control of the release of deleterious substances into the environment, as well as through the protection of human health. The FA applies to all “waters frequented by fish”,²⁷ defined in the FA as “Canadian fisheries waters”, meaning “all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada”.²⁸ Releases of deleterious substances subject to section 36(3) of the FA may take place directly into those waters or in other places where there is a risk that the substance may eventually enter those waters.²⁹ This provision relates to the content of the Submission with respect to the release of toxic substances into water. The Secretariat retains section 36(3) of the FA for analysis.

C. Article 24.27(2)

26. CUSMA Article 24.27(2) sets out five additional requirements that a submission must meet to be eligible:

The CEC Secretariat may consider submissions filed pursuant to this Article if it finds that the submissions:

(a) are in writing in English, French, or Spanish;

27. The Submission is made in writing in French; the Secretariat therefore finds that it satisfies the condition set out in CUSMA Article 24.27(2)(a).

(b) clearly identify the person making the submission;

28. The Submission clearly identifies a Canadian national as its submitter and provides the details necessary to contact them and to establish their status as a national of a Party within

²⁶ SEM-23-007 (*Vessel Pollution in Pacific Canada*), Determination under CUSMA Article 24.27(2) and (3) (4 December 2023), at: <<https://bit.ly/4fT8ir0>>; SEM-10-002 (*Alberta Tailings Ponds*), Determination under NAAEC Article 14(1) (3 September 2010), at: <<https://bit.ly/434tHWs>>; SEM-17-001 (*Alberta Tailings Ponds II*), Determination under NAAEC Articles 14(1) and (2) (16 August 2017), at: <<https://bit.ly/49xDgBd>>; see also the application of the Fisheries Act in Factual Records such as SEM-98-004 (*BC Mining*), Factual Record prepared under Article 15 of the NAAEC (12 August 2003), at: <<https://bit.ly/4o51xVd>>; and SEM-03-005 (*Montreal Technopark*), Factual Record prepared under Article 15 of the NAAEC (21 June 2008), at: <<https://bit.ly/3Ris1pP>>.

²⁷ FA, s. 34(1).

²⁸ FA, ss. 34(1) and 2(1) Canadian fisheries waters; *Terrapure BR Ltd. v. Canada (Attorney General)*, 2025 FC 1715; *R v. ArcelorMittal Canada Inc.*, 2021 QCCQ 10578; *R v. Newfoundland Recycling Ltd.*, 2004 NJ 332 at para. 51.

²⁹ FA, s. 36(3).

the meaning of CUSMA Article 1.5. Accordingly, the Secretariat finds that the Submission satisfies the criterion of CUSMA Article 24.27(2)(b).

(c) provide sufficient information to allow for the review of the submissions, including any documentary evidence on which the submissions may be based and identification of the environmental law of which the failure to enforce is asserted;

29. The Submission includes, as annexes, photographs, excerpts of articles, and images published online by several digital media outlets, including social media and news media. These materials document, among other things, the history of accidents and spills associated with hazardous-waste landfill activities in Blainville. The annexes also include images of demonstrations and citizen mobilization for the defence of the Great Bog of Blainville. The Submitter also includes reports on air quality, on the toxicity of the water in the area, and on the impact of waste disposal activities according to the company leading the project. The Submission also includes links to the *Act respecting, in particular, the transfer of ownership of an immovable of Ville de Blainville*,³⁰ the website of the Ville de Blainville dedicated to the Stablex file, and the legal analysis of a non-profit organization devoted to environmental law in Québec.
30. The Secretariat observes that the Submitter has also appended to the Submission the file that it presented before the Office of the United Nations High Commissioner for Human Rights under the Special Procedures of the Human Rights Council. A good number of the attachments to the Submission appear more directly geared at that process, including a list of 17 links bearing the number of the file presented to the United Nations.
31. While Submission SEM-26-003 (*Hazardous Waste Disposal in Blainville*) rests on the failure to effectively enforce the federal environmental laws addressed in Section B of this determination, the file submitted to the United Nations focuses on the denial of justice apparently caused by Bill 93. Given that Bill 93 is a provincial statute, the CEC Secretariat notes that it is not empowered to analyze it, since CUSMA Article 24.1 grants it jurisdiction only over Acts of the Parliament of Canada or regulations made under an Act of the Parliament of Canada.
32. Although Submission SEM-26-003 (*Hazardous Waste Disposal in Blainville*) includes documentary evidence, several of these items of evidence do not support the central assertions of the Submission and/or have no direct connection to the environmental laws invoked. By way of example, the Submitter asserts that excavation activities in the Great Bog of Blainville take place during bird nesting periods and cites species such as the Canada Warbler and the Eastern Wood-Pewee, but without providing technical and/or scientific information on bird nesting in the area, on habitat loss, decline, or any other trend observed in the populations of birds cited in the Submission. As a result, despite the considerable documentary evidence placed in the record, the Secretariat perceives a

³⁰ Bill 93.

disconnect between the assertions made in the Submission, the environmental laws cited, and the supporting evidence.

33. As regards the FA, the release of deleterious substances and the effect on waters frequented by fish, the Submitter provides 2024 documents relating to cadmium releases and to the carcinogenic properties of that substance.³¹ Although optional, the supporting evidence on fish mortality dates from 2014, and the Submitter does not indicate whether mortality remains an issue to this day, more than a decade later.³²
34. In light of the foregoing, the Secretariat is of the view that the documentation supporting the Submission largely reproduces the file submitted to the United Nations. In this context, the Secretariat reiterates that, where a SEM submission resembles a request filed under another procedure, it is difficult to meet all the eligibility criteria prescribed by CUSMA.³³ Given that requirements, purposes and avenues of action inevitably differ depending on whether the SEM process or any other mechanism or remedy is involved, the Submitter must distinguish the request to the United Nations from their SEM submission filed with the CEC.³⁴
35. The Secretariat therefore considers that the information presented does not allow for an adequate review of the Submission and thus does not satisfy the criterion of CUSMA Article 24.27(2)(c).
36. If the Submitter chooses to file a revised submission, they must provide information relating to the habitat loss of the species listed, include scientific information enabling a connection to be established between excavation activities and their impact on bird nesting, and any other evidence demonstrating the impact of the Stablex project on the wildlife species mentioned. The assertions contained in the Submission form may also be further developed and explained in order to address with more detail the issues raised and their connection to the environmental laws cited.
37. The Secretariat notes that, following the filing of the Submission, the Submitter has continued to upload documents into a digital folder, the link to which has been shared with the Secretariat. In the interest of predictability and adherence to time frames and deadlines imposed by CUSMA, any document shared after the initial filing of the Submission is not taken into account in this determination. The information may be considered, at the express request of the Submitter, in the context of a subsequent determination and in the event that the Submitter files a revised submission within the prescribed time frame.

(d) appear to be aimed at promoting enforcement rather than at harassing industry;

³¹ Submission, annex.

³² Id., annex.

³³ SEM-25-001 (*Lower Nazas River Basin*), Determination under CUSMA Article 24.27(2) and (3) (2 October 2025), § 55, at: <<https://bit.ly/4wQFTI7>> [available in Spanish and English].

³⁴ Id.

38. The Submission concerns, in particular, the protection of natural environments and wildlife. It addresses the conservation of bird and fish species, the preservation of watercourses, and raises concerns related to the discharge of contaminants into the environment and the effects of excavation works. In addition, the Secretariat notes that the Submitter is not a competitor of a company mentioned in the Submission and could not derive any economic benefit in the circumstances.³⁵ The Secretariat finds that the Submission satisfies the requirement set out in CUSMA Article 24.27(2)(d), since it aims to promote the effective enforcement of environmental laws.

(e) indicate whether the matter has been communicated in writing to the relevant authorities of the Party and, if so, the Party's response.

39. Pursuant to Article 24.27(2)(e), the Submitter must demonstrate that the matter raised in the Submission has previously been communicated in writing to the relevant authorities of the Party, so as to enable them to become aware of the situation,³⁶ of the potential failure to effectively enforce environmental laws, and to take action within the scope of their respective mandates.³⁷ The requirement set out in Article 24.27(2)(e) therefore has the purpose of ensuring that the relevant authorities are aware of the matter raised and have had the opportunity to act on it before the SEM submission is filed with the Secretariat.³⁸ Communication of the matter in writing required by Article 24.27(2)(e) is generally made by means of a letter or an email addressed directly to the relevant authorities,³⁹ clearly setting out the concerns relating to the assertions raised in the SEM submission.⁴⁰

40. In the present case, the Submitter has provided a link to a section of the Ville de Blainville website containing all of the information related to the “Stablex file”. This page includes, in particular, the questions raised at a public information meeting held on 25 June 2025 in Blainville, as well as the responses provided by various government bodies “with jurisdiction over the environment, health, public safety and transport,”⁴¹ which included Transport Canada. However, the information relating to this information meeting does not appear to indicate that the relevant authorities responsible for the enforcement of the environmental laws covered by this SEM submission were aware of the concerns raised therein. In addition, no written document, such as a letter or an email addressed directly to the relevant authorities, has been produced in the record. A public information meeting,

³⁵ SEM-11-001 (*PCB Treatment in Grandes-Piles, Quebec*), Determination under NAAEC Article 14(1) (11 February 2011), § 23, at: <<https://bit.ly/4ajSw4M>>.

³⁶ SEM-26-002 (*Tijuana Wastewater Management*), Determination under Article 24.27(2) and 24.27(3) (25 February 2025), § 91, at: <<https://bit.ly/42PfM6H>> [*Tijuana Wastewater*].

³⁷ SEM-24-002 (*Cadereyta Refinery*), Determination under Article 24.27(2) and 24.27(3) (6 June 2024), § 26, at: <<https://bit.ly/4v2mCBU>> [available only in Spanish].

³⁸ *Tijuana Wastewater*, § 91, at: <<https://bit.ly/42PfM6H>>.

³⁹ SEM-25-001 (*Lower Nazas River Basin*), Determination under Article 24.27(2) and 24.27(3) (2 October 2025), § 59, at: <<https://bit.ly/3RoAXdy>> [available only in Spanish].

⁴⁰ Id.

⁴¹ Submission, annex.

especially one that does not include the relevant federal agencies, cannot be equated with a writing addressed to the relevant authorities within the meaning of Article 24.27(2)(e).

41. The Submitter has not demonstrated that the relevant authorities of the Party were informed of the situation prior to the filing of the Submission and that a reasonable period of time was given to them to respond.⁴² The Secretariat does not consider the requirement of Article 24.27(3)(e) to be satisfied.

D. Article 24.27(3)

42. CUSMA Article 24.27(3) establishes four additional criteria that frame the Secretariat's review process, namely:

(a) whether the [submissions] allege harm to the person filing the [submissions];

43. As stated in its previous determinations, the Secretariat considers that the harm must be attributable to the alleged failure to effectively enforce the environmental law and must be related to the protection of the environment.⁴³
44. The Submitter indicates that “citizen tests revealed cadmium levels 320 times above standards in the surface waters, threatening the Fauvel lake ecosystem.”⁴⁴ In a document annexed to the Submission, the Submitter adds that “[a]s a 14-year-old citizen, [their] physical safety is threatened by the potential contamination of the groundwater (cadmium).”⁴⁵ The evidence supporting the Submission points to concentrations of contaminants — including arsenic, copper, zinc and cadmium — above the criteria established by law, according to sampling campaigns.⁴⁶
45. The Submitter establishes a connection between environmental pollution and harm to his physical integrity by relying on laboratory analysis results to demonstrate water contamination. Accordingly, the Secretariat concludes that the Submission satisfies the criterion set out in CUSMA Article 24.27(3)(a).

⁴² SEM-25-001 (*Lower Nazas River Basin*), Determination under Article 24.28(1) of the CUSMA (10 April 2026), § 73, at: <<https://bit.ly/4ubTY1i>>.

⁴³ SEM-20-001 (*Loggerhead Turtle*), Determination under Article 24.27(2) and (3) (8 February 2020), § 58, at: <<https://bit.ly/4953PNW>>; SEM-21-001 (*Fairview Terminal*), Determination under CUSMA Article 24.27(2) and (3) (27 April 2021), at: <<https://bit.ly/42P02Rb>> [*Fairview Terminal*]; SEM-19-004 (*Barred Owl*), Determination under Articles 14(1) and (2) (21 November 2019), § 28, at: <<https://bit.ly/49bigzZ>>; SEM-11-002 (*Sumidero Canyon II*), Determination under Articles 14(1) and (2) (6 September 2012), § 36, at: <<https://bit.ly/3RnBOuX>>; SEM-13-001 (*Tourism Development in the Gulf of California*), Determination under Articles 14(1) and (2) (12 November 2013), at: <<https://bit.ly/3PuGU87>>.

⁴⁴ Submission, at 5.

⁴⁵ Submission, annex.

⁴⁶ Id.

(b) whether the [submissions], alone or together with other [submissions], raise matters whose further study in this process would advance the objectives of this Chapter;

46. CUSMA Article 24.2(2) provides that the objectives of Chapter 24 are: “to promote mutually supportive trade and environmental policies and practices; promote high levels of environmental protection and effective enforcement of environmental laws; and enhance the capacities of the Parties to address trade-related environmental issues, including through cooperation, in the furtherance of sustainable development”.
47. The Submission raises significant matters relating to air quality, to water contamination by heavy metals, to impacts on the protection of migratory birds and species at risk, as well as to the release of harmful substances into the environment beyond the limits provided by law. These issues are directly related to the effective enforcement of environmental laws and to the protection of the environment. The Secretariat considers that the Submission meets the criterion of CUSMA Article 24.27(3)(b).

(c) whether private remedies available under the Party’s law have been pursued; and

48. In accordance with established practice, the Secretariat considers that the pursuit of private remedies may be interpreted broadly and that this criterion may be satisfied by filing a complaint or by referring to a complaint filed by another person, organization or entity.⁴⁷ This criterion is assessed under a reasonableness standard, keeping in mind that in some cases barriers exist to pursuing such remedies.⁴⁸
49. In this regard, the Secretariat considers that it is sometimes impossible to initiate judicial or administrative proceedings against a multiplicity of violators,⁴⁹ and that litigation may not be a suitable strategy to deal with certain alleged violations;⁵⁰ that seeking specific

⁴⁷ *Fairview Terminal*, §§ 30 and 31 (where the Secretariat concludes that the filing of a complaint with the Canadian Transportation Agency satisfies the criterion of CUSMA subparagraph 24.27(3)(c)); SEM-23-007 (*Vessel Pollution in Pacific Canada*), Determination under CUSMA Article 24.27(2) and (3) (12 February 2024), §§ 8–15, at: <<https://bit.ly/4dpCmsK>> [*Vessel Pollution in Pacific Canada*].

⁴⁸ SEM-18-001 (*Transboundary Agricultural Burning*), Determination under NAAEC Articles 14(1) and (2) (19 February 2018), §§ 27–28, at: <<https://bit.ly/3PSFpAI>> (the Secretariat considered whether reasonable steps had been taken before the filing of a submission. It also took into account that in some cases, the lack of resources may limit a submitter’s ability to undertake private remedies before filing a submission. The Secretariat considers a barrier to a private remedy may include economic and social factors.); SEM-23-002 (*Avocado Production in Michoacán*), Determination under CUSMA Article 24.27(2) and (3) (6 March 2023), §§ 74–77, at: <<https://bit.ly/3PejgWA>> (where the Secretariat concludes that the submission satisfies the criterion of subparagraph 24.27(3)(c) because the submitter provided a reasonable explanation regarding the impossibility of pursuing remedies in connection with the submission under Mexican law); *Vessel Pollution in Pacific Canada*, §§ 8–15.

⁴⁹ SEM-97-003 (*Québec Hog Farms*), Notification under NAAEC Article 15(1) (29 October 1999), at 9, at: <<https://bit.ly/3RTKxFh>>.

⁵⁰ SEM-98-003 (*Great Lakes*), Determination under Articles 14(1) and (2) (8 September 1999), at 10, at: <https://bit.ly/DET14_1_2_98-003>.

remedies available to individual may prove difficult;⁵¹ that, in cases where the alleged failure to effectively enforce a law is of a widespread nature, the burden placed on the submitter by pursuing remedies for all violations is an important element in determining whether “reasonable steps” have been taken,⁵² and that an explanation may be offered in that regard.

50. In the present case, the Submitter has attached to the Submission the file presented to the Office of the United Nations High Commissioner for Human Rights under the Special Procedures of the Human Rights Council. Although these are indeed documents demonstrating the pursuit of a remedy, that remedy is addressed to the United Nations and not to an authority of the Party, such that it cannot be equated with a private remedy under domestic law within the meaning of Article 24.27(3)(c). The Submitter does not indicate whether complaints or remedies related to the Submission have been filed before Canadian forums, in accordance with the domestic law of the Party.
51. The Secretariat nevertheless acknowledges that, according to the Submitter, Bill 93 restricts access to the courts and that “the enactment of Bill 93 by Québec removes the right of judicial recourse, preventing citizens from compelling compliance with federal environmental laws”.⁵³ This type of restriction could in theory serve to demonstrate that it is difficult to pursue a remedy and that there is an obstacle to the justiciability of certain rights. However, and notwithstanding the Submitter’s assertion that this provincial statute prevents compliance with federal environmental laws, the Secretariat is of the view that this argument is not sufficiently substantiated in the Submission. The Submitter does not demonstrate how the remedies for enforcing the provisions cited in the Submission and retained for analysis by the Secretariat — namely, provisions of the SARA and the FA — are affected by the provincial statute in question. The Secretariat reiterates that it is not empowered to review a provincial statute and that any information transmitted to it in relation to Bill 93 would serve exclusively to establish whether there is an obstacle to the pursuit of a domestic remedy to enforce the federal environmental laws cited in the Submission.
52. The Submitter does not set out the reasons why it would be impossible to pursue private remedies bearing on the above-mentioned federal statutes in connection with the matters raised in the Submission. In the absence of a demonstration that the private remedies available under the Party’s domestic law have been pursued, and for lack of a sufficient explanation as to the impossibility of pursuing them, the Secretariat concludes that the Submission does not satisfy the criterion set out in Article 24.27(3)(c). If the Submitter chooses to file a revised submission, they must demonstrate the filing of a complaint, legal recourse or equivalent proceeding addressing the subject matter and the provisions cited

⁵¹ SEM-98-004 (*BC Mining*), Notification under NAAEC Article 15(1) (11 May 2001), at 18, at: <<https://bit.ly/3QhXoRf>>.

⁵² SEM-09-005 (*Skeena River Fisheries*), Determination under NAAEC Articles 14(1) and (2) (18 May 2010), § 44, at: <<https://bit.ly/4fkqWrG>>; SEM-04-005 (*Coal-Fired Power Plants*), Determination under NAAEC Articles 14(1) and (2) (24 February 2005), at 12, at: <<https://bit.ly/4v2PkTh>>.

⁵³ Submission, at 5.

in the Submission, or explain why the filing of such a complaint or recourse with the Party was impossible or difficult.

(d) whether the [submissions] are drawn exclusively from mass media reports.

53. Pursuant to Article 24.27(3)(d), a submission is inadmissible where it is drawn exclusively from mass media reports. This requirement is intended to ensure that the assertions made rest on sufficiently solid and verifiable evidence, beyond mere media coverage.
54. In the present case, the Submission includes numerous references to press articles and publications. By way of illustration, a dozen links and images attached to the Submission lead to articles, excerpts of press articles, or reports produced by television media⁵⁴. The section of the Submission concerning the history of accidents and spills associated with the hazardous-materials landfill project carried out by Stablex is based on press articles and reports.
55. Notwithstanding a strong reliance on items of evidence drawn from news media, the Submission also includes documents from government sources, from organizations devoted to the protection of the environment, and from the private sector⁵⁵. Accordingly, to the extent that the Submission does not rely exclusively on information drawn from mass media, the Secretariat concludes that it satisfies the criterion set out in Article 24.27(3)(d).

IV. DETERMINATION

56. For the foregoing reasons, the Secretariat concludes that Submission SEM-26-003 (*Hazardous Waste Disposal in Blainville*) does *not* meet all the eligibility criteria set out in Article 24.27(1), (2) and (3) of the CUSMA, and that additional information would be necessary in order to continue the process as well as any request for a response from the Government of Canada under Article 24.27(3). More specifically, the Submission does not

⁵⁴ Submission, annex: Sylvie Fournier, Daniel Tremblay, Franciszek Czyzowicz, Gil Shochat and Jason Reed, “Stablex : la population exprime des craintes environnementales,” *Radio-Canada* (9 October 2025), at: <<https://bit.ly/4dZ1S8j>>; Sylvie Fournier, “Des citoyens dénoncent un déversement toxique devant l’usine de Stablex,” *Radio-Canada* (8 October 2025), at: <<https://bit.ly/3PFU7uP>>; Jean-François Cadieux, “Une fuite d’acide nitrique suscite l’émotion à Blainville,” *l’Écho de la Rive-Nord* (23 May 2012), at: <<https://bit.ly/4wHVDgu>>; Ulysse Bergeron and Martin Tremblay, “Dans la tourmente, Stablex défend son procédé,” *La Presse* (18 March 2025), at: <<https://bit.ly/49YqQ5h>>; Alexandre Shields, “Des dizaines de scientifiques dénoncent la décision de la CAQ en faveur de Stablex,” *Le Devoir* (1 April 2025), at: <<https://bit.ly/3RBSZJ9>>. Note that the Submission also includes several screenshots whose image resolution or framing does not allow the source and content to be clearly identified.

⁵⁵ Submission, annex: Centre québécois du droit de l’environnement (2025), “Projet de loi 93 – Stablex,” at: <<https://bit.ly/4tOxfr2>>; Eau Secours (2025), “Contamination de l’eau au cadmium 320 fois au-dessus de la norme à un site près de Stablex à Blainville,” at: <<https://bit.ly/43qdU12>>; Centre d’expertise en analyse environnementale (2025), “Analyse de l’air ambiant,” at: <<https://bit.ly/49Yt1Wv>>; Catherine Lalumière and Jean-François Bourque (2020), “Réaménagement de la Cellule no 6 au centre de traitement Stablex, Ville de Blainville – Étude d’impact sur l’environnement – Volume 2,” at: <<https://bit.ly/4wJcgbJ>>.

meet the criteria set out in subparagraphs (c) and (e) of Article 24.27(2) and the criterion set out in subparagraph (c) of Article 24.27(3) of the CUSMA.

57. If the Submitter wishes to continue the process, they must provide sufficient information to allow the submission to be reviewed in light of the assertions presented therein and the provisions cited. The Submitter must also demonstrate that the matter raised in the Submission has been communicated in writing to the relevant authorities and demonstrate that a remedy provided under the Party's domestic law has been pursued, or that it is not possible to pursue such a remedy. In addition, the Submitter may address the questions of the Secretariat relating to the environmental laws cited and supplement any other element of the Submission in order to clarify the assertions presented therein. The documents submitted by the Submitter following the filing of the Submission must also be re-sent to the Secretariat at the same time as the filing of the revised submission, where applicable; failing which they will not be taken into account in any subsequent analysis.
58. The Submitter has 60 days from the date of this determination (that is, until **3 August 2026**) to file a revised submission containing the additional information in order to satisfy all the eligibility criteria. Where the Submitter chooses to file a revised submission, they are not required to attach again the documents already provided with the initial Submission, except those sent to the Secretariat after 4 May 2026. If it receives a revised submission, the Secretariat will then conduct a new review to determine whether Submission SEM-26-003 (*Hazardous Waste Disposal in Blainville*) satisfies the criteria set out in subparagraphs (c) and (e) of Article 24.27(2) and the criterion set out in subparagraph (c) of Article 24.27(3) of the CUSMA, and to determine whether a response from the Government of Canada is warranted under Article 24.27(3).

Respectfully submitted for your consideration.

Secretariat of the Commission for Environmental Cooperation

(original signed)

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