

Current list of all matters submitted under Article 14 of the NAAEC and their status.

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Under Article 14 of the NAAEC, the Secretariat may consider a submission from any non-governmental organization or person asserting that a Party to the NAAEC is failing to effectively enforce its environmental law. Where the Secretariat determines that the Article 14(1) criteria are met, it shall then determine whether the submission merits requesting a response from the Party named in the submission under Article 14(2). In light of any response provided by that Party, the Secretariat may recommend to the Council that a factual record be prepared, in accordance to Article 15. The Council, comprised of the environmental ministers (or their equivalent) of Canada, Mexico and the United States, may then instruct the Secretariat to prepare a factual record on the submission. The final factual record is made publicly available upon a two-thirds vote of the Council.

Submission I.D. No. / Submitters	Matter Addressed in the Submission	Date Filed	Party	Process Status
SEM-02-002/ Jorge Rafael Martínez Azuela, et al.	<p>In the submission received by the CEC Secretariat on 7 February 2002, Jorge Rafael Martínez Azuela and other neighbors in the area surrounding the Mexico City International Airport (Aeropuerto Internacional de la Ciudad de México—AICM) assert that Mexico is failing to effectively enforce its environmental laws with respect to the noise emissions originating at that airport. According to the Submitters, there are studies showing that the noise emissions of the AICM exceed the limits established in environmental law, causing irreversible damage to the thousands of persons living near the airport.</p> <p>The submission asserts that in this case, Mexico's failure to effectively enforce its environmental law has resulted in the AICM neighbors suffering hearing loss, various negative effects due to loss of sleep and the lessened academic performance of the children in the area, whose classes are interrupted by a passing airplane approximately every seven minutes. The Submitters assert that the federal and local environmental authorities have failed to effectively enforce Articles 5 paragraphs V and XIX, 8 paragraph VI, 155 and 189 through 204 of the General Law of Ecological Balance and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente), Mexican Official Standard NOM-ECOL-081-1994, and Articles 80 through 84 of the Environmental Law of the Federal District.</p>	02/07/02	Mexico	On 23 May 2002, the Secretariat received a response from Mexico and began considering whether to recommend a factual record.

SEM-02-001/ Canadian Nature Federation, et al.	<p>The Submitters assert that Canada is failing to effectively enforce section 6(a) of the Migratory Bird Regulations (MBR) adopted under the Migratory Birds Convention Act, 1994 (MBCA) against the logging industry in Ontario. Section 6(a) of the MBR makes it an offence to disturb, destroy or take a nest or egg of a migratory bird without a permit. The Submitters claim that their research, based on statistical data, estimates that in the year 2001 clear-cutting activity destroyed over 85,000 migratory bird nests in areas of Central and Northern Ontario. They allege that Environment Canada, through its Canadian Wildlife Service, is primarily responsible for enforcing the MBCA and that virtually no action has been taken to enforce section 6(a) of the MBR against logging companies, logging contractors and independent contractors. They assert that despite the estimated widespread destruction of bird nests, an access to information request revealed no investigations or charges in Ontario for violations of section 6(a). The Submitters assert that the alleged failure to enforce section 6(a) of the MBR, in addition to the harmful impact on the migratory bird population, has negative consequences for wildlife biodiversity, tourism, respect for the law, fair competition within the logging industry and healthy wood stocks.</p>	02/06/02	Canada	On 25 Apr. 2002, the Secretariat received a response from Canada and began considering whether to recommend a factual record.
SEM-01-003 / Mercerizados y Teñidos de Guadalajara, S.A.	<p>The company Mercerizados y Teñidos de Guadalajara, S.A. asserts that Mexico failed to enforce effectively Articles 5, 6 and 7 of the North American Agreement on Environmental Cooperation (NAAEC) and Article 194 of the General Law of Ecological Equilibrium and Environmental Protection (Ley General de Equilibrio Ecológico y Protección Ambiental-LGEEPA), by denying probative value in a civil trial to a technical opinion issued by the Federal Attorney for Environmental Protection (Procuraduría Federal de Protección al Ambiente-Profepa), in relation to groundwater contamination caused by the firm Dermet, S.A. de C.V. that produces pesticides and fungicides and is located in the city of Guadalajara in Jalisco.</p>	06/14/01	Mexico	The thirty day deadline expired without the Secretariat receiving a submission that conformed to Article 14(1). Under Guideline 6.2, the process was therefore terminated on 19 Oct. 2001.
SEM-01-002 / AAA Packaging	<p>The Submitters allege that the government of Canada, is failing in its obligation as enumerated in Article 2(3) of the North American Agreement on Environmental Cooperation (NAAEC), which states that each Party shall consider prohibiting the export to the territories of the other Parties of a pesticide or toxic substance whose use is prohibited within the Party's territory. When a Party adopts a measure prohibiting or severely restricting the use of a pesticide or toxic substance in its territory, it shall notify the other Parties of the measure, either directly or through an appropriate international organization.'</p> <p>The Submitters assert that Canada has failed to issue a prohibitory and/or injunctive order halting the export to the United States, by AAA Packaging, of products containing "isobutyl nitrite" which the Submitters claim is a "banned hazardous substance".</p> <p>The Submitters claim that the above mentioned unlawful export was chronicled in January 2001 in a series of articles by Vancouver Sun Investigative Reporter, Rick Ouston.</p>	04/12/01	Canada	The thirty day deadline expired without the Secretariat receiving a submission that conformed to Article 14(1). Under Guideline 6.2, the process was therefore terminated on 24 May 2001.

<p>SEM-01-001 / Academia Sonorense de Derechos Humanos, A.C. Lic. Domingo Gutiérrez Mendivil</p>	<p>The submission asserts that Mexico is failing to effectively enforce its environmental law in relation to the establishment and operation of the Cytrar hazardous waste landfill near the city of Hermosillo, Sonora, Mexico. The Submitters assert that the Cytrar hazardous waste landfill carried on activities in violation of multiple legal provisions, since: a) it operated without an environmental impact authorization; b) it failed to comply with the applicable legal provisions concerning the design and construction of its facilities; c) it deposited hazardous waste originating from the company Alco Pacifico, Inc. of the United States of America. The submitters allege that these violations concerning the disposal of hazardous wastes have caused damage to human health and to habitat.</p> <p>Furthermore, the Submission asserts that the Secretariat is empowered to produce a report on the Cytrar case pursuant to NAAEC Article 13, since it is a matter relating to the cooperative functions of the Agreement. If such a report were produced, it would contribute to achieving the objectives of the triannual program plan known as the North American Agenda for Action 2000-2002.</p> <p>This is the second submission filed on this matter. The first submission may be reviewed under SEM-98-005.</p>	<p>02/14/01</p>	<p>Mexico</p>	<p>On 13 June 2001, and in view of Mexico's response under article 14(3)(a) of the NAAEC, the Secretariat determined that it was not provided sufficient information to determine whether the matter raised in the Cytrar II submission and the matter that is subject to the international dispute resolution proceeding to which Mexico is party are the same. Therefore, the Secretariat was unable to determine that it should proceed no further with the Cytrar II submission. Mexico responded on 19 July 2001.</p>
<p>SEM-00-006 / Comisión de Solidaridad y Defensa de los Derechos Humanos, AC (COSYDDAC)</p>	<p>The Submitters allege a failure by Mexico to effectively enforce its environmental law by denying access to environmental justice to Indigenous communities in the Sierra Tarahumara in the State of Chihuahua. They particularly assert failures to effectively enforce environmental law relative to the citizen complaint process, to alleged environmental crimes and other to alleged violations with respect to forest resources and the environment in the Sierra Tarahumara.</p>	<p>06/09/00</p>	<p>Mexico</p>	<p>On 15 Feb. 2002, the Secretariat acknowledged Mexico's response and began considering whether to recommend a factual record.</p>

<p>SEM-00-005 / Academia Sonorensis de Derechos Humanos Domingo Gutiérrez Mendivil</p>	<p>The Submitters allege that Mexico has failed to effectively enforce the General Law of Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente—LGEEPA) in relation to the operation of the company Molymex, S.A. de C.V. (Molymex) in the town of Cumpas, Sonora, Mexico. The company processes residues generated in the smelting of copper by national and foreign companies to produce molybdenum trioxide, presumably causing damage and loss to human health and the environment.</p> <p>Specifically, the Submitters allege that Mexico has failed to effectively enforce the LGEEPA with respect to: (i) operation without environmental impact authorization, (ii) land use which is incompatible with the cattle raising and use in the area; (iii) preservation and sustainable use of the land; (iv) zoning for contaminating industries in Cumpas; (v) the return to the country of origin of hazardous waste generated under the rules of temporary importation; (vi) the importation of dangerous materials without ensuring compliance with the LGEEPA and liability for potential harm and damages.</p> <p>Lastly, the Submitters request the Commission for Environmental Cooperation (CEC) to prepare a report in accordance with Article 13 of the North American Agreement on Environmental Cooperation (NAAEC) regarding the Molymex case, because it refers to a matter related to the cooperative activities under the NAAEC and is contemplated in the North American Agenda for Action 2000–2002 which, the Submitters claim, would further the objectives of said Agenda.</p>	<p>04/06/00</p>	<p>Mexico</p>	<p>On 28 May 2002, the Secretariat authored a work plan for the preparation of a factual record.</p>
<p>SEM-00-004 / David Suzuki Foundation Greenpeace Canada Sierra Club of British Columbia Northwest Ecosystem Alliance National Resources Defense Council</p>	<p>The Submitters allege that the Government of Canada “is in breach of its commitments under NAAEC to effectively enforce its environmental laws and to provide high levels of environmental protection.” They allege that the Fisheries Act is “routinely and systematically violated by logging activities undertaken by British Columbia... [s]pecifically, section 35 of the Fisheries Act, which prohibits the harmful alteration, disruption or destruction of fish habitat, and section 36 of the Fisheries Act, which prohibits the deposition of deleterious substances in waters frequented by fish...”</p> <p>The Submitters claim that the Government of Canada has the responsibility to protect fish and fish habitat under the Canadian Constitution Act of 1867. They allege that “[t]he federal government is failing to enforce the Fisheries Act against logging on private land in British Columbia, even though private lands are not subject to any effective provincial logging regulation.”</p> <p>In addition, the Submitters claim that “[they] have been denied the right to bring private prosecutions against violators of the Fisheries Act, even though the Fisheries Act encourages citizen enforcement, and submit that this denial is in violation of Canada’s obligation under Article 7 of NAAEC to comply with due process of law and ensure that judicial proceedings are open to the public.”</p>	<p>03/15/00</p>	<p>Canada</p>	<p>On 14 Dec. 2001, the Secretariat authored a work plan for the preparation of a factual record. On 1 Feb. 2002, the Secretariate requested information in furtherance of the record.</p>

<p>SEM-00-003 / Hudson River Audubon Society of Westchester, Inc. Save Our Sanctuary Committee</p>	<p>The Submitters allege that the United States Department of the Interior - National Park Service, is failing to enforce and proposing to violate: (I) Section 703 of the Migratory Bird Treaty Act (MTBA) 16 U.S.C. 703-712, which prohibits the killing of migratory birds without a permit from the U.S. Fish and Wildlife Service; and (ii) Section 4 through 10 of the Endangered Species Act of 1973 (ESA), which prohibit the taking of endangered and threatened species, require the protection of such species “whether by protection of habitat and food supply”, and require the designation of “critical habitats”. The Submitters assert that United States Department of the Interior - National Park Service is violating both the MTBA and the ESA by proposing to construct a paved, multi-purpose bicycle path through the Jamaica Bay Wildlife Refuge, which is part of the Gateway National Recreation Area, located in Queens, New York. The Submitters believe that the construction of this pathway through the Jamaica Bay Wildlife Refuge will destroy critical habitat for endangered and threatened species and will result in the taking of migratory birds (including nests) and will therefore be in violation of both the MTBA and the ESA. The Submitters claim that they have recommended to the United States and alternative site for the bicycle path outside the boundary of the refuge, and that could be utilized to achieve their goals. They also claim that the alternative proposal to use the existing bicycle path outside the refuge was approved by the Department of Transportation but it was rejected by the National Park Service.</p>	<p>03/02/00</p>	<p>United States</p>	<p>The thirty day deadline expired without the Secretariat receiving a submission that conformed to Article 14(1). Under Guideline 6.2, the process was therefore terminated on 12 May 2000.</p>
<p>SEM-00-002 / Neste Canada, Inc.</p>	<p>The Submitter believes that “applicable regulatory agencies in California are not enforcing environmental laws, as defined in the NAAEC, relating to underground storage tanks (USTs) with the result that significant volumes of gasoline continue to leak into and contaminate the soil, water, and air in that state.” The Submitter alleges that based in its knowledge of the current political and regulatory environment in California relating to gasoline and methyl tertiary butyl ether (MTBE) specifically, private remedies appear to be impractical. It asserts that it is aware of the submission filed by Methanex Corporation on 18 October 1999 (SEM-99-001), that it has done its own extensive research and investigations and, based on its knowledge of the facts, it submits that the documentary evidence that Methanex has provided to the Secretariat accurately reflects the current situation. The Submitter emphasizes that the state of California has repeatedly acknowledged that its own environmental laws are not being properly enforced with regard to the permitting, monitoring, testing, repair, and removal of defective UST’s; and that although there are harmful components and additives in gasoline, MTBE is not harmful itself. It believes that the removal of MTBE from gasoline will not, in itself cause one less gallon of gasoline to escape into the environment, it will simply make detection of the contaminants in groundwater and the environment more difficult.</p>	<p>01/21/00</p>	<p>United States</p>	<p>On 30 June 2000, the Secretariat determined that, under Article 14(3)(a), its review of submissions SEM-99-001 and SEM-00-002 shall not proceed further because they are subjects of a pending judicial or administrative proceeding.</p>

SEM-00-001 / Rosa Maria Escalante de Fernandez	The Submitter asserts that the town of Cumpas, Sonora, Mexico, has been adversely affected by air pollution from the Molymex, S.A. de C.V. plant which produces molybdenum trioxide from molybdenum sulfide, allegedly in violation of the provisions of LGEEPA regarding air quality and Official Mexican Standards for environmental health that establish limits for sulfur dioxide and particulate matter of ten microns or less (PM10). The Submitter asserts that the inhabitants of Cumpas and the non-governmental organization which she is a member have repeatedly requested the closure or relocation of the Molymex plant since they believe that the pollution emitted by the plant causes irreversible and irreparable damage to health and the environment, allegedly increasing mortality rates and affecting the crops in Cumpas. The Submission is accompanied by a note from the Federal Attorney for Environmental Protection (Procuraduria Federal de Proteccion al Ambiente-Profepa) regarding the situation of the plant; an opinion of the Subdelegation of the Environment (Subdelegacion de Medio Ambiente-SMA) of the Sonora Office of the Ministry of Environment, Natural Resources and Fisheries (Secretaria de Medio Ambiente, Recursos Naturales y Pesca-Semarnap); a document concerning the proposed expansion of the Molymex plant; a document from the Ministry of Public Health with graphics and tables comparing mortality rates in the area; a criminal complaint on 15 November 1999; and an opinion of certain committees of the Sonora State Congress regarding the Molymex plant.	1/27/00	Mexico	The thirty day deadline expired without the Secretariat receiving a submission that conformed to Article 14(1). The process was therefore terminated on 8 June 2000.
SEM-99-002 / Alliance for the Wild Rockies et al.	The Submitters allege that the United States Government is failing to effectively enforce Section 703 of the Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§703-712, which prohibits the killing of migratory birds without a permit. The Submission alleges that MBTA implements four international treaties, including agreements with Canada and Mexico, aimed at protecting migratory birds, and in Section 703 prohibits any person from killing or “taking” migratory birds “by any means or in any manner,” unless the U.S. Fish & Wildlife Service (FWS) issues a valid permit. The Submission alleges that “ the United States deliberately refuses, however, to enforce this clear statutory prohibition as it relates to loggers, logging companies, and logging contractors. As a matter of internal policy, the United States has exempted logging operations from the MBTA's prohibitions without any legislation or regulation that authorizes such an exception.” The Submitters assert that “[t]his enforcement failure undermines the cooperative efforts of Canada, Mexico and the United States to maintain biodiversity, a goal which the CEC has explicitly recognized and recently adopted through its North American Biodiversity Conservation Project.”	11/19/99	United States	On 14 Dec. 2001, the Secretariat authored a work plan for the preparation of a factual record. On 1 Feb 2002, the Secretariate requested information in furtherance of the record.
SEM-99-001 / Methanex Corporation	Submitters allege that the United States of America has failed to enforce California’s environmental laws and regulations related to water resource protection and to the regulation of underground storage tanks (USTs)	10/18/99	United States	On 30 June 2000, the Secretariat determined that, under Article 14(3)(a), its review of submissions SEM-99-001 and SEM-00-002 shall not proceed further because they are subjects of a pending judicial or administrative proceeding.

SEM-98-007 / Environmental Health Coalition, et al.	The Submitters allege that Mexico has failed to effectively enforce its environmental law in connection with an abandoned lead smelter in Tijuana, Baja California, Mexico, that poses serious threats to the health of the neighboring community, and to the environment.	10/23/98	Mexico	On 11 Feb. 2002, the Secretariate publicly released the final factual record.
SEM-98-006 / Grupo Ecologico Manglar A.C.	The submission alleges that Mexico is failing to enforce its environmental laws with respect to the establishment and operation of Granjas Aquanova S.A., a shrimp farm in Isla del Conde, San Blas, Nayarit, Mexico.	10/20/98	Mexico	On 14 Dec. 2001, the Secretariat authored a work plan for the preparation of a factual record. On 14 Feb. 2002, the Secretariate requested information in furtherance of the record.
SEM-98-005 / Academia Sonorense de Derechos Humanos et al.	The submission alleges that Mexico is failing to enforce its environmental law by having authorized the operation of a hazardous waste landfill (CYTRAR) less than six kilometers away from Hermoso, Sonora.	08/11/98	Mexico	The Secretariat finds that Submission SEM-98-005 does not warrant the development of a factual record, and terminates the process in accordance with paragraph 9.6 of the Guidelines.
SEM-98-004 / Sierra Club of British Columbia	The submission alleges a systematic failure of Canada to enforce section 36(3) of the Fisheries Act to protect fish and fish habitat from the destructive environmental impacts of the mining industry in British Columbia.	06/29/98	Canada	On 14 Dec. 2001, the Secretariat authored a work plan for the preparation of a factual record. On 7 Feb. 2002, the Secretariate requested information in furtherance of the record.
SEM-98-003 / Department of Planet Earth, et al.	The Submitters assert that the U.S. Environmental Protection Agency's regulations drafted and programs adopted to control airborne emissions of dioxin/furan, mercury and other persistent toxic substances from solid waste and incinerator violate and fail to enforce both: 1) U.S. domestic laws, and; (2) the ratified U.S.-Canadian treaties designed to protect the Great Lakes that are partly referenced in the U.S. Clean Air Act.	05/27/98	United States	On 5 Oct. 2001, The Secretariat determined not to recommend the preparation of a factual record. The process was terminated.

SEM-98-002 / Hector Gregorio Ortiz Martinez	The submission alleged “improper administrative processing, omission and persistent failure to effectively enforce” environmental law in connection to a complaint filed by the Submitter.	10/14/97	Mexico	Process terminated under 14(1).
SEM-98-001 / Instituto de Derecho Ambiental, with citizens affected by the April 22 nd explosions	The Submitters allege that the Mexican Federal Attorney General and the Federal Judiciary did not duly enforce the General Law on Ecological Balance and Environmental Protection (LGEEPA) in relation to the explosions in the Reforma area of the city of Guadalajara, state of Jalisco.	01/09/98	Mexico	On 11 January, 2000, the Secretariat terminated the process with respect to a submission concerning Mexico, filed by Instituto de Derecho Ambiental, A.C., in conjunction with the citizens affected by the explosions of April 22 nd .
SEM-97-007 / Instituto de Derecho Ambiental	The Submitters allege that Mexico is failing to enforce environmental law, in connection with the citizen complaint filed on 23 September 1996, concerning the degradation of the Lerma Santiago River-Lake Chapala Basin.	10/10/97	Mexico	On 14 July 2001, the Secretariat determined that the submission does not warrant the development of a factual record in accordance with Article 15(1).
SEM-97-006 / The Friends of the Oldman River	The Submitter alleges that Canada is failing to apply, comply with and enforce the habitat protection sections of the Fisheries Act and the CEAA (Canadian Environmental Assessment Act).	10/04/97	Canada	On 14 Dec. 2001, the Secretariat authored a work plan for the preparation of a factual record. On 7 Feb. 2002, the Secretariate requested information in furtherance of the record.
SEM-97-005 / Animal Alliance of Canada, et al.	The Submitters alleged that Canada is failing to enforce its regulation ratifying the Convention on Biological Diversity signed at the Rio Earth Summit on June 11, 1992 and subsequently ratified pursuant to an Order-in-Council on December 4, 1992.	07/21/97	Canada	Process terminated under Article 14(1).
SEM-97-004 Canadian Environmental Defense Fund	The Submitter alleged that Canada has failed to enforce its law requiring environmental assessment of federal initiatives, policies, and programs.	05/26/97	Canada	Process terminated under Article 14(1).

SEM-97-003 / Centre quebécois du droit de l'environnement	The Submitters allege a failure to enforce several environmental standards related to agriculture on the territory of the Province of Quebec.	04/09/97	Canada	On 16 May 2000, the Council by a two-thirds majority decided not to direct the Secretariat to develop a factual record. In accordance with section 10.4 of the Guidelines, the submission process is terminated.
SEM-97-002 / Comite pro Limpieza del Rio Magdalena	The Submitters allege that wastewater originating in the municipalities of Imuris, Magdalena de Kino, and Santa Ana, located in the Mexican state of Sonora, is being discharged into the Magdalena River without prior treatment, in violation of Mexican environmental legislation governing the disposal of wastewater.	03/15/97	Mexico	On 22 Mar. 2002, the Secretariat authored a work plan for the preparation of a factual record. On 16 Apr. 2002, the Secretariate requested information in furtherance of the record
SEM-97-001 / B.C. Aboriginal Fisheries commission et al.	The Submitters allege that the Canadian Government is failing to enforce s.35(1) of the Fisheries Act, and to utilize its powers pursuant to s.119.06 of the National Energy Board Act, to ensure the protection of fish and fish habitat in British Columbia's rivers from ongoing and repeated environmental damaged caused by hydro-electric dams.	04/02/97	Canada	On 11 June 2000, the Secretariat released to the public the Final Factual Record, in accordance with Council Resolution 00-004, dated 11 June 2000.
SEM-96-004 / The Southwest Center for Biodiversity et al.	The Submitters alleged that the United States is failing to effectively enforce its environmental law, namely the National Environmental Policy Act (NEPA), with respect to the United States Army's operation of Fort Huachuca, Arizona.	11/14/96	United States	Process terminated by submitter's withdrawal.
SEM-96-003 / The Friends of the Oldman River	The Submitter alleged that the Government of Canada is failing to apply, comply with and enforce the habitat protection sections of the Fisheries Act and the CEAA (Canadian Environmental Assessment Act).	09/09/96	Canada	Process terminated under 15(1).
SEM-96-002 / Aage Trottrup	The Submitter asserted that the governments of Canada and Alberta have failed to effectively enforce their environmental laws resulting in the pollution of specified wetland areas which impacts on the habitat of fish and migratory birds.	03/20/96	Canada	Process terminated under Article 14(2).

SEM-96-001 / Comite para la Protection de los Recursos Naturales, A.C. et al.	The Submitters alleged that the appropriate authorities failed to effectively enforce environmental laws during the evaluation process of the project "Construction and Operation of a Public Harbor Terminal for Tourist Cruises on the Island of Cozumel State of Quitana Roo".	01/18/96	Mexico	Factual record released on 24 October 1997.
SEM-95-002 / Sierra Club at al.	Submitters alleged that provisions of the Fiscal Year 1995 Supplemental Appropriations, Disaster Assistance and Rescissions Act result in a failure to enforce effectively all applicable Federal environmental laws by eliminating private remedies for salvage timber sales.	08/30/95	United States	Process terminated under Article 14(2).
SEM-95-001 / Biodiversity Legal Foundation et al.	Submitters alleged that provisions of the Rescissions Act" have resulted in a failure to enforce and effectively selected provisions of the Endangered Species Act.	06/30/95	United States	Process terminated under Article 14(2).