

U.S. - MEXICO - CANADA AGREEMENT



U.S. Environmental Protection Agency Office of Enforcement and Compliance Assurance

MAIN OBJECTIVES

EPA will enhance efforts to target illicit gains associated with international pollution arbitrage, including ensuring U.S. enforcement of its environmental laws under USMCA Article 24.4. EPA will also contribute expertise and support capacity building with respect to USMCA Articles 24.8 (Multilateral Environmental Agreements), 24.9 (Protection of the Ozone Layer), 24.10 (Protection of the Marine Environment from Ship Pollution), and 24.11 (Air Quality). These Articles commit the Parties to combat illegal trade in ozone depleting substances, pollution from ships, and importation of non-compliant engines. EPA will address these objectives, as well as those of Article 24.25 (Environmental Cooperation), to expand cooperative relationships and achieve shared environmental goals.

BACKGROUND

The United States, Mexico, and Canada are significant chemicals trade partners. (1) Illicit pesticides pose potentially serious threats to human safety and health, economies, businesses and farmers, the environment, and national security. (2) Illegal pesticides and ozone depleting substances can negatively impact trade as well as weaken the rule of law, damage the environment, and harm local communities. The partnership between EPA and USTR is working to address these challenges and promote sustainable chemical import and export in North America. (3) This in turn helps all three USMCA trade partners to strengthen the chemical market by combating illegal pesticides and ozone depleting substances - jointly protecting public lands, human health, and the environment through continued enforcement of the laws regulating the importation, sale, and distribution of dangerous pesticides.



GOAL 1

Combat illegal trade of regulated chemicals that pose a risk to human health & the environment



Planned Actions

- Provide capacity building for US, Mexico, Canada, and Tribal border inspectors on sampling and analysis of various regulated chemicals, including ozone depleting substances
- Provide analytical field-testing equipment for border inspectors in the US
- Enhance capabilities to sample and analyze suspect chemicals quickly and accurately

Outcomes to Date

- Conducted 31 inspections at border crossings, leading to 27 shipments referred for further inspection, 22 samples collected and analyzed, and 31 prosecutions and seizures.
- Of 22 samples collected and analyzed, 100% identified a violation and led to seizure by inspectors

GOAL 2

Increase & improve vessel pollution enforcement

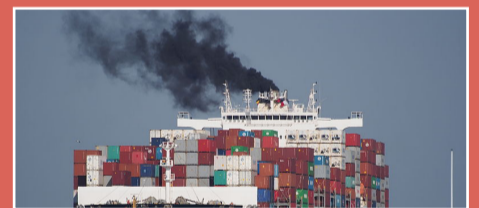


Planned Actions

- Increase and improve targeting, inspection, and compliance in the area of deliberate pollution from ships
- Support acquisition of scientific instruments and service con-

Outcomes to Date

- Established Interagency Agreement with U.S. Coast Guard to provide funding and expertise toward targeted vessel sulfur emissions inspections and enforcement, achieving a key deliverable
- Of 68 vessel inspections conducted, 100% identified violations and led to prosecution and/or seizure by inspectors



GOAL 3

Promote improved communications and exchange of information with Mexican and Canadian agencies



Planned Actions

- Use various intelligence sources and enforcement trends to identify sites/locations for trainings, equipment delivery, and enhanced inspections
- Develop training for specific sampling, inspection, and analysis
- Exchange information with partner agencies on the best methods to identify and investigate violators at border crossings and ports, seize contraband, and prosecute violators

Outcomes to Date

- Established Border Enforcement Steering Committees to improve and expand bilateral enforcement coordination and collaboration with Mexico and Canada
- Hosted approximately 45 attendees from US and Canadian government agencies on June 23, 2022, at the kickoff of the US-Canada Border Enforcement Steering Committee
- Hosted approximately 55 attendees from US, Mexican, and Tribal government agencies on July 20, 2022, at the kickoff of the US-Mexico Border Enforcement Steering Committee

SPOTLIGHT

EPA implements and enforces several environmental laws regulating the import and export of environmentally sensitive products, materials, and wastes into and from the United States. A full list of requirements and resources on importing or exporting EPA-regulated materials is available at www.epa.gov/importing-exporting. The Canada and Mexico Border Enforcement Steering Committees both identified hazardous waste and marine vessel discharges as top priorities. The Canada Border Enforcement Steering Committee also identified engines as priorities, and Mexico prioritized pesticides and ozone-depleting substances.



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References

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3. <https://www.justice.gov/usao-sdca/pr/border-pesticide-initiative-results-prosecution-50-defendants-smuggling-dangerous>

