

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, contribute to climate change, 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.

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 271 inspections at border crossings, leading to 55 shipments referred for further inspection, and 110 prosecutions and seizures.
- Of 1172 samples collected and analyzed, 85% 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 contracts for evaluation of suspected wastes and enforcement resources

Outcomes to Date

- In January 2023, EPA issued an enforcement alert highlighting the US EPA Vessel General Permit (VGP) requirements (<https://www.epa.gov/system/files/documents/2023-01/vgpcwaenfalert11023.pdf>). This reminds national and international vessel owners and operators to comply - reducing the human health and environmental impacts of vessel discharges.



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

- Conducted bi-lateral Border Enforcement Steering Committee meetings to improve and expand bilateral enforcement coordination and collaboration with Mexico and Canada
- US and Canadian government agencies met in June 2022 and May 2023.
- US, Mexican, and Tribal government agencies met in July 2022 and May 2023.

SPOTLIGHT

EPA regulations designed to protect the ozone layer restrict the production and import of specific gasses, including chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), and hydrochlorofluorocarbons (HCFCs). Knowingly smuggling these gasses into the United States is a criminal offense. Punishment can include imprisonment, fines, seizure, forfeiture, home detention and community service. Dealers of CFC, HFC, or HCFC are responsible for ensuring the gasses they purchase, or sell are legal and should be able to describe the efforts made to ensure it was not smuggled into the United States. Illegal gas imports undermine the law, disadvantage companies who follow the rules, and contribute to climate change.



Contact:

Mary Goetz, EPA Senior Project Coordinator, Email: Goetz.Mary@EPA.gov

References

1. https://www.usitc.gov/research_and_analysis/trade_shifts_2017/chemicals.htm
2. https://unicri.it/sites/default/files/2019-10/The_problem_of_illicit_pesticides.pdf
3. <https://www.justice.gov/usao-sdca/pr/border-pesticide-initiative-results-prosecution-50-defendants-smuggling-dangerous>

