

STATE OF THE USA-MEXICO BORDER ENVIRONMENT

Written by

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I. Why is the subject such a hot topic?

The United States of America and the United Mexican States

Very different countries from an economic, cultural and legal system perspective.

Economic perspective:

USA, First world rate. Mexico, developing country

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Why is the subject such a hot topic?

Cultural perspective:

USA. Motherland: England. Mexico. Spain.

USA. Language: English. Mexico. Spanish.

Legal system perspective:

USA. Common Law. Mexico. Civil Law.

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Ten States on the Border:

Four on the USA side:

- California
- Arizona
- New Mexico; and
- Texas

Six on the Mexican side:

- Baja California
- Sonora
- Chihuahua
- Coahuila
- Nuevo León; and
- Tamaulipas

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II. Treaties

The North American Free Trade Agreement between the Government of the United States of America, the Government of Canada and the Government of the United Mexican States (NAFTA)

1. The NAFTA's preamble states that the Governments of the United Mexican States, Canada and the United States of America have decided, among other things, to "Strengthen the preparation and application of environmental laws and regulations".

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Treaties

2. The North American Agreement on Environmental Cooperation between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America (NAAEC)

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NAAEC. Objectives

- a.** Foster the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations;
- b.** Promote sustainable development based on cooperation and mutually supportive environmental and economic policies;
- c.** Strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices;

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NAAEC. Objectives

- d.** Promote transparency and public participation in the development of environmental laws, regulations and policies;
 - promote economically efficient and effective environmental measures;
 - promote pollution prevention policies and practices;
 - others.

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General Commitments of the NAAEC Parties

1. Each Party will, with respect to its territory:

a. Promote education in environmental matters, including environmental law;

b. Further scientific research and technology development in respect of environmental matters;

c. Promote the use of economic instruments for the efficient achievement of environmental goals.

Others

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2. Each Party will:

a. Guarantee the availability, pursuant to its legislation, of judicial, quasi-judicial or administrative procedures to apply its environmental laws and regulations, in order to penalize or remedy any violations of such laws and regulations.

Others

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Government action to apply environmental laws and regulations

Each party will apply its governmental laws and regulations through government action.

Each party will guarantee the availability, pursuant to its legislation, of judicial, quasi-judicial or administrative procedures to apply its environmental laws and regulations, in order to penalize or cure any violations of such laws and regulations.

Authorities

- 1.** Commission for Environmental Cooperation.
- 2.** The Commission will be made up by a Council, a Secretariat and a Joint Public Advisory Committee.

Petitions for Application of Environmental Laws.

The Secretariat may consider petitions by any person or non-governmental organization that claims that a Party is not effectively applying its environmental laws.

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III. U.S.-Mexico Environmental Program: Border 2012 (“2012 Border Program”)

In 2001, based on the NAFTA and the NAAEC, the four U.S. states (California, Arizona, New Mexico and Texas) and the six Mexican states (Baja California, Sonora, Chihuahua, Coahuila, Nuevo León and Tamaulipas) prepared the initial draft of the 2012 Border Program.

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The following are the Program's six goals:

- a. the reduction of air, water and soil pollution;
- b. the enhancement of environmental health;
- c. the reduction of exposure to chemical products resulting from accidental spills or terrorist acts;
- d. environmental performance through compliance;
- e. the prevention of pollution; and
- f. the promotion of a responsible environmental management.

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The State of the Border Region 2005 Indicators Report [*Reporte de los Indicadores 2005 de la Situación Ambiental en la Región Fronteriza*] incorporates environmental and public health information in the following areas: water, air, land, emergency preparedness and response, compliance and enforcement.

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Water

- a.** Increase of the border population.
- b.** Erection of provisional housing near industrial parks in the large northern border cities of Mexico.
- c.** Contamination of shared water bodies.

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Water

- d.** Contamination of drinking water in rural areas.
- e.** Contamination of binational aquifers, surface water and seawater along the shores.
- f.** In Nogales, Sonora, the sewer system does not serve all residents.

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- g.** Spills from an old sewer system and domestic discharges have no drainage, which is why untreated sewage waters flow to the binational Nogales Wash creek. Improper rainwater drainage causes frequent flooding during the heavy rain season.

Others

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Challenges along the Border

Air

- a.** The industrial and population growth;
- b.** The increase in the number of old vehicles;
- c.** The differences in the regulatory;
- d.** Government frameworks of each country;
and
- e.** The topographical and meteorological conditions, pose many air quality management challenges.

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Challenges along the Border

Air

Among the most common sources of pollution are:

- a. motor vehicles;
- b. power plants;
- c. industrial facilities;
- d. farming activities;
- e. dust from unpaved roads; and
- f. outdoor burning of garbage and farmland.

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Challenges along the Border

An improper water management infrastructure, improvised dump sites, unsupervised sanitary landfills, scrap tire dump fires and other factors, contaminate borderlands.

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Border Scrap Tire Dumps. Management Strategy

The improper handling and final disposal of scrap tires are major environmental problems in the border region.

Scrap tire dumps are a severe soil pollution problem as well as a public health hazard and an air quality risk in the border region.

Scrap Tire Dump Cleanup

One of the largest (4-5 million tires) scrap tire dumps in the border region is located in Ciudad Juárez.

Challenges along the Border

- a. the social and economic factors;
- b. the demographic distribution;
- c. the high population growth;
- d. the lack of medical insurance;
- e. the degradation of the environment along the border;
- f. an improper and on many occasions non-existing environmental protection infrastructure, are the reason why border residents suffer higher asthma, diabetes, and hepatitis rates and infectious diseases.

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Alliance for Success: Regional Efforts

The four Regional Task Force, the Baja California-California Regional Task Force (*Grupo de Trabajo Regional Baja California-California*), the Sonora-Arizona Task Force [*Grupo de Trabajo Sonora-Arizona*], the Coahuila-Nuevo Laredo-Tamaulipas-Texas Task Force [*Grupo de Trabajo Coahuila-Nuevo Laredo-Tamaulipas-Texas*] and the Law Application and Compliance Task Force [*Grupo de Trabajo de Cooperación para la Aplicación y Cumplimiento de la Ley*] worked in the last three years to attend to the concerns of the citizens, identify needs and provide advice and support to projects.

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