

No. 18033

**UNITED STATES OF AMERICA
and
MEXICO**

Exchange of notes constituting an agreement relating to environmental co-operation (with memorandum of understanding of 6 June 1978). Mexico City, 14 June 1978, and Tlatelolco, 19 June 1978

Authentic texts: English and Spanish.

Registered by the United States of America on 14 November 1979.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

Échange de notes constituant un accord relatif à la coopération dans le domaine de l'environnement (avec mémorandum d'accord en date du 6 juin 1978). Mexico, 14 juin 1978, et Tlatelolco, 19 juin 1978

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 14 novembre 1979.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND MEXICO
RELATING TO ENVIRONMENTAL COOPERATION

I

The American Ambassador to the Mexican Secretary of Foreign Relations

Mexico, D. F., June 14, 1978

No. 952

Excellency:

I have the honor to refer to discussions between representatives of the United States Environmental Protection Agency and the Subsecretariat for Environmental Improvement of Mexico concerning a program for cooperation on environmental programs and transboundary environmental problems.

I have the honor to inform you that the Government of the United States approves of the proposed cooperative program outlined in the attached Memorandum of Understanding Between the United States Environmental Protection Agency and the Subsecretariat for Environmental Improvement of Mexico for Cooperation on Environmental Programs and Transboundary Problems signed at Mexico City on June 6, 1978. It is understood that implementation of the United States participation in the program shall be the responsibility of the United States Environmental Protection Agency and that implementation of the Mexican participation shall be the responsibility of the Subsecretariat for Environmental Improvement of Mexico.

If the program outlined in the attached Memorandum of Understanding meets with the approval of your government, I have the honor to propose that this Note and your reply to that effect, together with the attached Memorandum of Understanding, shall constitute an agreement between our two governments for cooperation on environmental programs and problems.

Accept, Excellency, the renewed assurances of my highest consideration.

PATRICK J. LUCEY

Attachment:
As stated

His Excellency Lic. Santiago Roel
Secretary of Foreign Relations
Mexico, D. F.

¹ Came into force on 19 June 1978 by the exchange of the said notes.

MEMORANDUM OF UNDERSTANDING BETWEEN THE SUBSECRETARIAT FOR ENVIRONMENTAL IMPROVEMENT OF MEXICO AND THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES FOR COOPERATION ON ENVIRONMENTAL PROGRAMS AND TRANSBOUNDARY PROBLEMS

Whereas, the Governments of Mexico and the United States share many environmental problems related to large and expanding urban populations, substantial industrial activity, and a common border between the two countries; and both countries possess many areas of natural and man-made scenic and recreational value; and

Whereas, the Subsecretariat for Environmental Improvement of Mexico (SMA) and the Environmental Protection Agency (EPA) of the United States share a concern for protecting and improving the human and natural environments of their respective nations, and a common interest in the cause of global as well as common border environmental protection and improvement; and

Whereas, the Governments of Mexico and the U.S. have pledged increased cooperation through the Consultative Mechanism set up by the two Presidents to include environmental cooperation;

It is hereby agreed that:

1. The SMA and EPA will initiate a cooperative effort to resolve environmental problems of mutual concern in border areas as well as any environmental protection matter through exchanges of information and personnel, and the establishment of parallel projects which the two parties consider appropriate to adopt.

2. The SMA and EPA will accomplish parallel activities, while allowing for the possibility that, at any given time, through special agreement, joint actions tending to resolve specific problems, may be conducted.

3. SMA and EPA senior officials will meet annually, unless they mutually agree otherwise, to discuss overall policies, programs and problems which are of common concern. The annual meeting will be held, alternately in each country, at a mutually agreeable time and site.

4. Experts designated by SMA and EPA will meet periodically or as necessary to review technical issues and plan parallel projects, including pollution abatement and control, regulations, quality assurance, research and monitoring, that are of common interest or concern to both Mexico and the United States. An annual meeting of designated experts will be held at a site mutually agreed to by both parties and may coincide with the U.S./Mexico Border Health Association annual meetings or with other meetings. The SMA and EPA experts may make policy recommendations for consideration by the respective heads of SMA and EPA.

5. The meetings of the SMA and EPA representatives will not be limited to consideration of border problems alone but may include discussions of all areas of environmental protection and enhancement. It is understood that the Water Treaty of 1944¹ between the two Governments entrusted the solution of border sanitation problems to the International Boundary and Water Commission.

6. Each Party will name one person to act as coordinator to facilitate exchanges of information and other cooperation under this Memorandum of Understanding. The coordinators will establish procedures and details for the meetings of the senior officials as well as experts, including the time, place and agenda.

7. The coordinators may invite representatives of federal, state and local government agencies, international organizations, members of private organizations or other private citizens to participate in meetings, conferences, and other parallel activities as deemed appropriate.

¹ United Nations, *Treaty Series*, vol. 3, p. 313.

8. Parallel activities may be conducted when approved by appropriate authorities of the respective Governments and may include but will not be limited to the following:

- Development of pollution abatement and control programs directed toward specific pollution problems affecting either or both countries along the border.
- Development of an early warning system to alert the two Governments to potential environmental problems.
- Review and consultation regarding national environmental policies and strategies of Mexico and the United States.
- Development of data gathering, processing and mechanisms for the exchanges of information of common interest.

9. The coordinators will be responsible for the general management of programs, workshops, projects and activities undertaken pursuant to this Memorandum of Understanding. This includes definition of each program, workshop or project as to scope, priority and completion schedules. The coordinators may delegate work on a special problem area to a special subcommittee which shall examine the problem in detail and make recommendations to the Governments through the SMA and EPA, respectively.

10. Unless otherwise agreed, each Party will bear the cost of its participation, including personnel costs, in activities undertaken pursuant to this Memorandum of Understanding.

11. Work under this Memorandum of Understanding is subject to the availability of funds and other resources to each Party, and to the laws and regulations of Mexico and the United States.

12. Results of work accomplished under this Memorandum of Understanding will be fully available to both parties, and either Party may release information in its possession to the public on 10 days' notice to the other Party.

13. This Memorandum of Understanding will enter into force when signed by both Parties and approved by the two Governments through an exchange of notes. The Memorandum of Understanding will remain in force indefinitely until either Party notifies the other of its intent to terminate the agreement, with 90 days' notification.

DONE in duplicate at Mexico City on the 6 of June 1978 in the Spanish and English languages, both texts being equally authoritative.

For the United States
Environmental Protection Agency:

[Signed — Signé]¹

Administrator
for Environmental Protection Agency

For the Mexican Subsecretariat
for Environmental Improvement:

[Signed — Signé]²

Subsecretary
for Environmental Improvement

¹ Signed by Douglas M. Costle — Signé par Douglas M. Costle.

² Signed by Romero Alvarez — Signé par Romero Alvarez.

el alcance, la prioridad y la fecha de terminación de actividades. Los coordinadores podrán delegar tareas sobre áreas problema especiales a sub-comités específicos para que procedan a examinar los problemas en detalle y hagan recomendaciones a los Gobiernos a través de la SMA y la APA.

10. A menos que se convenga lo contrario, cada parte sufragará el costo de su participación, incluyendo los gastos del personal adscrito a las actividades relacionadas con el Acuerdo.

11. La ejecución del Acuerdo está sujeta a la disponibilidad de fondos y otros recursos correspondientes a cada una de las partes, así como a las leyes y reglamentos de cada país.

12. Los resultados que se obtengan del Acuerdo estarán a disposición de ambas partes y pueden divulgarse a través de informaciones públicas, previo aviso de 10 días a la contraparte.

13. Este Memorándum de Entendimiento entrará en vigor a partir de la fecha de la firma de ambas partes y una vez que sea aprobado por los dos Gobiernos mediante el intercambio de notas diplomáticas, siendo su vigencia indefinida, hasta que una de las partes informe a la otra de su intención de terminarlo con aviso anticipado de 90 días.

Se expide por duplicado en la Ciudad de México, Distrito Federal, el 6 de junio de 1978, en español e inglés, siendo igualmente legales ambos textos.

Por México:
La Subsecretaría de Mejoramiento
del Ambiente, S.S.A.,
ROMERO ALVAREZ

Por los Estados Unidos de América:
La Agencia de Protección Ambiental,

DOUGLAS M. COSTLE

[TRANSLATION¹ — TRADUCTION²]

The Mexican Secretary of Foreign Relations to the American Ambassador

UNITED MEXICAN STATES
MINISTRY OF FOREIGN RELATIONS
MEXICO

Tlatelolco, D. F., June 19, 1978

No. 508218

Mr. Ambassador:

I have the honor to acknowledge receipt of Your Excellency's note No. 952 of June 14, 1978, informing me that the Government of the United States of America approves the Memorandum of Understanding signed at Mexico City on June 6, 1978, by the Office of the Deputy Secretary for Environmental Improvement, Department of Health and Assistance, and by the United States Environmental Protection Agency.

In reply, I take pleasure in informing Your Excellency that the Government of Mexico also approves the aforesaid Memorandum of Understanding and therefore agrees to consider that Your Excellency's note, this note, and the attached Memorandum of Understanding constitute an agreement between our two Governments for cooperation on environmental problems and programs.

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[S. ROEL]

His Excellency Patrick Joseph Lucey
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Mexico, D. F.

[Memorandum of Understanding as under note 1]
