
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: SJR 13
Author: Padilla
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Urgency:
Consultant: Taylor McKie

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Fiscal: No

SUBJECT: Transboundary flow pollution: United States-Mexico-Canada Agreement

DIGEST: This resolution urges the United States to secure specified commitments regarding transboundary pollution at the 2026 United States-Mexico-Canada Agreement (USMCA) joint review.

ANALYSIS:

Existing federal law:

- 1) Authorizes the President of the United States to enter into a trade agreement, as specified, with foreign countries providing for the reduction or elimination of a duty, restriction, barrier, or other distortion, as specified, and the prohibition or limitation on the imposition of such barrier or other distortion. (19 USC § 4202(b))
- 2) Approves and implements the USMCA between the United States, the United Mexican States, and Canada. (19 USC § 4501 et seq.)
- 3) Requires the U.S. Environmental Protection Agency (U.S. EPA) to carry out the planning, design, construction, operation, and maintenance of high-priority treatment works in the portion of the Tijuana River watershed that is in the United States to treat wastewater, nonpoint sources of pollution, and related matters resulting from international transboundary water flows originating in Mexico. (19 USC § 4731)

This Resolution:

- 1) Makes the following findings:
 - a) The North American Free Trade Agreement (NAFTA) marked a major shift in trade and economic engagement among the United States, Mexico,

and Canada, that led to rapid expansion of manufacturing facilities in northern Mexico.

- b) The rapid concentration of industrial and residential activities in northern Mexico placed increasing demands on wastewater, stormwater, and environmental infrastructure, and contributed to transboundary pollution flows into the Tijuana River Valley and New River.
 - c) The transboundary pollution flows have forced beach closures, harmed local tourism and small businesses, jeopardized the health of residents, and disrupted United States Navy training operations in the County of San Diego.
 - d) The contamination from transboundary pollution raises serious environmental justice concerns, as pollution impacts border communities that are disproportionately composed of working-class communities and communities of color.
 - e) The USMCA was negotiated to update and modernize the trade framework under NAFTA, including provisions related to environmental protection and cross-border cooperation.
 - f) Despite commitments under the USMCA, transboundary pollution has continued, with more than 100 billion gallons entering the United States in the last five years.
 - g) The USMCA includes a six-year joint review mechanism, with the first review scheduled in 2026, presenting an opportunity to ensure that existing commitments resolving transboundary pollution are fully realized.
 - h) The transboundary sewage crisis undermines the environmental integrity and enforceability of the USMCA and threatens the health, economic stability, and environmental well-being of Californians.
 - i) The Trump administration signed a Memorandum of Understanding with Mexico in 2025, concluded International Boundary and Water Commission Minute 333, and pledged a “100% solution” to stop transboundary pollution.
 - j) The USMCA presents an opportunity for the Trump administration to secure that solution through enforceable commitments.
- 2) Resolves, on behalf of the Senate and the Assembly of the State of California, jointly, that:

- a) The Legislature urges the United States to secure and publicly adopt measurable and sustained commitments to eliminate transboundary sewage discharges into the Tijuana River watershed and New River at the 2026 USMCA joint review.
- b) The measurable and sustained commitments secured and adopted at the 2026 USMCA joint review include at minimum:
 - i) Specific numeric discharge-reduction benchmarks;
 - ii) Investment into—and enforceable timelines for—completion of wastewater infrastructure projects; and
 - iii) Annual public reporting on compliance.
- c) The United States commit to automatic nonrenewal of the USMCA if there is a failure of establishing commitments, benchmarks, and timelines.

Background

- 1) *United States-Mexico-Canada Agreement (USMCA)*. The USMCA is a free trade agreement that outlines rules for duty-free trade and establishes commitments on non-tariff issues, including labor, environment, investment, digital trade, and services. USMCA created a more balanced, reciprocal trade, benefitting American workers, farmers and agriculture, and the economy through new protections.¹ The Agreement became effective in July 2020 and replaced the North American Free Trade Agreement (NAFTA), which was established in 1994. NAFTA was a comprehensive free trade agreement that lowered trade barriers and accelerated trade with Mexico and Canada.²
- 2) *Addressing transboundary pollution*. For decades, millions of gallons of untreated sewage and stormwater runoff have frequently polluted the Tijuana River Valley and the New River near the United States-Mexico border. Rapid population growth, industrial development, and urbanization driven by foreign investment in Mexico, which was exacerbated by the establishment of NAFTA, have overwhelmed aging and underfunded sewage infrastructure leading to structural failures. These failures and the limited capacity of the systems have resulted in cross-border, or transboundary flows consisting of raw sewage, industrial chemicals, stormwater, pesticides, and trash that spill into California's coastal waters, decimate the environment, disrupt local and regional economies, and impact the public health of border communities. Over the years, there have been binational efforts to implement infrastructure improvements.

¹ Office of the United States Trade Representative. (n.d.). [United States-Mexico-Canada Agreement](#).

² Congressional Research Service. (2017). [The North American Free Trade Agreement \(NAFTA\)](#).

Chapter 24 of USMCA aimed to promote high levels of environmental protection and effective enforcement of environmental laws in addressing trade-related environmental issues.³ In alignment with these objectives, the provisions of Section 821 of USMCA require the Administrator of the U.S. EPA to carry out the planning, design, construction, operation, and maintenance of high priority treatment works to treat transboundary pollution in the Tijuana River watershed within the United States.⁴

Congress has appropriated hundreds of millions of dollars through the provisions of USMCA Section 821 to fund and administer the Border Water Infrastructure Program (BWIP), which facilitates infrastructure implementation along the border to address drinking water and sanitation issues.^{4,5,6,7,8}

In 2021, the U.S. EPA developed a Comprehensive Infrastructure Solution, focused primarily on the Tijuana River Valley, that would guide efforts for years to come. This included a suite of binational infrastructure improvement projects that could significantly improve the conditions in the Tijuana River Valley.⁹ In 2022, the U.S. EPA and its Mexican counterpart signed the Statement of Intent, which created a framework for implementing a Comprehensive Infrastructure Solution that specified near-term (2022-2027) and long-term projects, and identified resources.¹⁰ The International Boundary and Water Commission, which has worked to address water quality and sanitation issues across the border since 1944, has issued a series of “Minutes” since its inception, outlining actions to meet their obligations. Most recently issued in December 2025, Minute 333 demonstrates a commitment to continue implementing the projects within the Comprehensive Infrastructure Solution and additional actions to mitigate the impacts of transboundary pollution. The Trump administration has also reaffirmed its commitments under previous Minutes and additional obligations through a July 2025 MOU with Mexico.

Throughout the implementation of the Comprehensive Infrastructure Solution, projects have experienced funding shortfalls and delays. However, both the

³ United States Trade Representative. (2020). [USMCA Chapter 24: Environment](#).

⁴ U.S. Environmental Protection Agency. (2025). [Tijuana River Watershed Provisions in United States-Mexico-Canada Agreement \(USMCA\)](#).

⁵ Jennewein, C. (2019). [New USMCA Trade Deal Includes \\$300 Million to Stop Tijuana River Pollution](#).

⁶ Department of State, Foreign Operations, and Related Programs Appropriations Act, H.R.4665, 118th Congress 2023-2024 Session, (2023).

⁷ [Water Resources Development Act, H.R.8812](#), 118th Congress 2023-2024 Session.

⁸ [American Relief Act, H.R.10545](#), 118th Congress 2023-2024 Session.

⁹ U.S. Environmental Protection Agency. (2021) [EPA Announces Holistic Approach to Address Water Pollution from the Tijuana River Watershed](#).

¹⁰ U.S. Environmental Protection Agency and Comisión Nacional del Agua. (2022). [Statement of Intent](#).

United States and Mexico have continued to make progress and commit funding to complete the projects that would help resolve the severity of the transboundary pollution. Nevertheless, it is a long road ahead.

- 3) *USMCA joint review.* As outlined in Article 34.7 of the USMCA, the Agreement is set to terminate in 2036, unless each participating party confirms that it wishes to continue the Agreement for a new 16-year term, in accordance with specified procedures.¹¹ As part of the procedure, the Free Trade Commission (FTC), composed of government representatives of each party, is required to meet on the sixth anniversary of the establishment of the USMCA to conduct a “joint review” of the operation of the USMCA and decide on any recommendations for action.

The first joint review is scheduled to take place on July 1, 2026. Parties may provide recommendations for the FTC to take action at least one month before the joint review takes place. Additionally, each party is to confirm if it wishes to extend the USMCA for another 16-year period, and if extended, another joint review will take place six years after the extension is granted. If any party does not confirm its wish to extend the USMCA, then the FTC is required to conduct a joint review every year for the remainder of the 16-year term of the Agreement.^{11,12}

The establishment of the joint review provision was controversial. Members of Congress were concerned that conducting joint reviews would create uncertainty that could discourage private investment and harm U.S. businesses. Other Members argued that the joint review provision would allow Congress to exert greater oversight with periodic review.¹²

This resolution urges the United States to secure and adopt measurable and enforceable commitments within USMCA to eliminate the flow of transboundary sewage into the Tijuana and New River watersheds at the joint review. The proposed revisions to the USMCA outlined in this resolution are likely a few of many desired revisions to the USMCA, and the joint review does provide an opportunity for the United States to revise the USMCA in negotiation with the other parties and for Congress to provide input.

¹¹ United States Trade Representative. (2020). *USMCA Chapter 34: Final Provisions*.

¹² Congressional Research Service. (2026). *USMCA Joint Review: Process and Role of Congress*.

Comments

- 1) *Purpose of Bill.* According to the author, “Trade agreements must not ignore environmental harm and the real public threat increased economic activity has on our border communities. Ensuring renewal of the USMCA must depend on measurable progress. Our federal government must secure real and meaningful protection for our community. By halting all discussion of extensions until we have clear commitments from Mexico to address this crisis, we can finally take real steps towards ending this generations long injustice. Economic prosperity cannot come at the expense of California’s environment and communities’ health.”
- 2) *Time is of the essence.* As described in the background section above, the first 6-year joint review is scheduled for July 1, 2026. The United States will need to provide recommendations to the FTC at least one month prior to this date for the recommendations to be considered. Considering the steps of the legislative process this resolution must still go through, it would likely not be transmitted in time to be formally considered by any of its federal recipients ahead of the joint review.

Even if this resolution is not formally adopted in time, federal advocacy informed by its contents can still happen prior to these deadlines. Regardless, the resolution may still have a tangible impact, as it is possible that a party to the USMCA may not decide to extend the USMCA. In that case, the next joint review would likely be scheduled for July 1, 2027, which would present another opportunity to more formally include the proposed commitments in the USMCA. *Depending on the timing of this resolution and the actions taken at the 2026 joint review, the author may wish to consider amending the resolution accordingly.*

- 3) *Adopting measurable commitments.* This resolution urges the United States to ensure measurable commitments to eliminate transboundary sewage are part of the revisions made to the USMCA during the joint review. Some of the measurable commitments include, at minimum, specific numeric discharge-reduction benchmarks and enforceable timelines for completion of wastewater infrastructure projects. If these commitments are not adopted, the United States is urged to commit to automatic nonrenewal of the USMCA.

The request for these revisions merits careful consideration. If the commitments are considered unrealistic by the federal government, the Legislature risks denial of the request proposed by this resolution. For instance, adopting a specific numeric discharge-reduction benchmark could be

considered challenging. The extent of discharge is dependent on the condition of the wastewater infrastructure, which is contingent on the progress made with the Comprehensive Infrastructure Solution as well as the ability to sufficiently perform operation and maintenance, all of which requires substantial amounts of funding. Targeted reductions could be estimated in broad ranges to account for this, but the benchmarks would also need to take into account local climate and weather patterns, which introduces a higher level of uncertainty. Heavy rain events tend to lead to 10's of billions of gallons of transboundary pollution in a short period of time. Any numeric benchmark adopted may best be measured for dry-weather flows.

Timelines for infrastructure improvements may be a more reasonable commitment, but these timelines are already indicated in the Minutes issued by the IBWC and other previous agreements. And as with any capital improvement project, progress may be impeded by delays or unexpected funding constraints. This may present issues if these timelines are to be enforceable. What would the consequences be if a deadline isn't met and to whom would they apply? If penalties were established, would they be established against a certain party in the Agreement or with other entities? Would there be implications for the other provisions of USMCA? What would be the broader implications of enforcement? The need for accountability is understandable, but the cost at which that accountability comes needs to be understood.

Future renewal of the USMCA could be called into question if the federal government decided to pursue these measurable commitments as proposed and they could not be achieved for any reason. This has broader implications beyond these two crises, which signals how high this issue should be prioritized, yet it may not be. But it might also be of consideration to ensure such proposed commitments could ultimately be agreed on first domestically, then internationally.

Related/Prior Legislation

AJR 16 (Alvarez, 2025) urges Congress and the United States President to fully fund the Comprehensive Infrastructure Solution and take additional specified actions to address ongoing transboundary pollution. This bill is awaiting hearing in this committee.

SJR 18 (Padilla, Chapter 175, Statutes of 2024) made a number of declarations regarding health impacts associated with pollution in the Tijuana River, and

requests that the federal Centers for Disease Control and Prevention (CDC) investigate health concerns raised by this pollution.

AJR 12 (Alvarez, Chapter 201, Statutes of 2024) urged Congress and the United States President to fully fund the Comprehensive Infrastructure Solution and address ongoing transboundary pollution impacting the New River and urged the United States President to declare a national emergency due to the impacts of transboundary pollution.

SB 867 (Allen, Chapter 83, Statutes of 2024) enacted the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 authorizing the issuance of bonds in the amount of \$10 billion to finance projects including, but not limited to drought, flood, and water resilience, coastal resilience, park creation, outdoor access, and clean air programs.

AB 1597 (Alvarez, 2023) would have authorized funds made available to the California Environmental Protection Agency (CalEPA) for North American Development Bank for loans, grants, and expenditures to address water quality problems arising in the California-Mexico cross-border watersheds. This bill was placed on the suspense file in the Senate Appropriations Committee.

AB 2248 (Eduardo Garcia, 2022) would have made \$100 million available from the General Fund to the State Water Board for grants and direct expenditures to address water quality problems arising in the California-Mexico cross-border rivers. This bill was vetoed by Governor Newsom.

SB 1301 (Hueso, Chapter 368, Statutes of 2020) required CalEPA and the California Natural Resources Agency to collaborate to create a Tijuana River Valley Watershed Action Plan to be reviewed and updated on a 3-year cycle.

SB 690 (Hueso, Chapter 381, Statutes of 2019) encouraged the State Coastal Conservancy to prioritize projects identified in feasibility studies conducted by the County of San Diego for the Tijuana River Valley when expending funds to address transboundary flows and pollution in the Tijuana River Valley.

SJR 22 (Hueso, Chapter 241, Statutes of 2018). Urges the federal government and the U.S. Section of the IBWC to take immediate action to adequately address cross-border pollution in the Tijuana River Valley.

AB 965 (Eduardo Garcia, Chapter 668, Statutes of 2015) established the New River Water Quality, Public Health, and River Parkway Development Program to

coordinate funding and implementation for environmental and health projects and purposes relating to the California-Mexico border region.

SOURCE: Author

SUPPORT:

Alianza Coachella Valley
Boys & Girls Club of South County
California Outdoor Recreation Partnership
Coastal Defenders
Environmental Center of San Diego
Imperial Valley Equity & Justice Coalition
LA Cooperativa Campesina De California
Latino Outdoors
Los Amigos De LA Comunidad, INC.
Outdoor Outreach
Project Kolika
San Diego State University
Sandiego350
Sierra Club
Sierra Service Project
Surfrider Foundation San Diego Chapter
Tijuana River Coaliton
Un Mar De Colores
Wildcoast
YMCA of San Diego County

OPPOSITION:

None received

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