

Date of Hearing: June 16, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

SJR 13 (Padilla) – As Introduced March 24, 2026

SENATE VOTE: 38-0

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

SUMMARY: Makes a number of declarations regarding the origins and impacts of transboundary pollution flows from Mexico into California via the Tijuana and New Rivers; urges the United States (U.S.) to adopt, at an upcoming review of the United States-Mexico-Canada Agreement (USMCA), commitments to eliminate chronic transboundary sewage discharges, and resolves that the U.S. commit to automatic nonrenewal of the USMCA if these commitments are not established. Specifically, **this bill:**

1) Makes the following declarations:

- a) Following adoption of the North American Free Trade Agreement (NAFTA), trade between California and Mexico grew substantially, spurring the rapid expansion of manufacturing facilities in northern Mexico;
- b) The rapid concentration of industrial and residential activity in northern Mexico has placed increasing demands on wastewater, stormwater, and environmental infrastructure that was not designed to handle the scale of development and waste generated, contributing to pollution flows into the Tijuana River Valley and New River;
- c) Transboundary pollution flows have forced prolonged beach closures in San Diego County, harmed local tourism and small businesses, jeopardized the health of residents in border communities, and disrupted United States Navy training operations;
- d) Border communities, disproportionately composed of working-class communities and communities of color, bear the brunt of contamination, raising serious environmental justice concerns;
- e) The USMCA was negotiated to update and modernize the trade framework established under NAFTA, including provisions related to environmental protection and cross-border cooperation;
- f) Despite these commitments, transboundary sewage discharges into the Tijuana River watershed have continued at significant levels, demonstrating that existing enforcement mechanisms and infrastructure have failed to protect California communities; and,
- g) The USMCA includes a six-year joint review mechanism, and the first review is scheduled to occur in 2026, presenting an opportunity to evaluate environmental performance and ensure that transboundary pollution obligations are being enforced.

2) Resolves that the Legislature urges the U.S., at the 2026 USMCA joint review, to secure and publicly adopt measurable and sustained commitments from the parties to eliminate chronic

transboundary sewage discharges into the Tijuana River watershed and the flow of untreated sewage, industrial effluent, and toxic pollutants through the New River.

- 3) Resolves that measurable and sustained commitments should include, at a minimum, specific numeric discharge-reduction benchmarks for both the Tijuana River watershed and the New River, investment into and enforceable timelines for completion of wastewater infrastructure projects, and annual public reporting on compliance.
- 4) Resolves that the U.S. commit to automatic nonrenewal of the USMCA, should there be a failure of establishing commitments, benchmarks, and timelines.

EXISTING LAW:

- 1) Approves and implements the USMCA between the U.S., the United Mexican States, and Canada. (19 United States Code (USC) § 4501, *et seq.*)
- 2) Requires the U.S. Environmental Protection Agency (US 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 U.S., to treat wastewater, nonpoint sources of pollution, and related matters resulting from international transboundary water flows originating in Mexico. (19 USC § 4731)
- 3) Requires—upon an appropriation of funds from the Legislature—the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency, including their subsidiary agencies, to collaborate to create a Tijuana River Valley Watershed Action Plan, known as the Tijuana River Plan, as specified. (Public Resources Code § 71107)
- 4) Establishes the California-Mexico Border Relations Council to, among other duties, coordinate activities of state agencies related to cross-border programs, initiatives, projects, and partnerships, to improve the effectiveness of state and local efforts that are of concern between California and Mexico. (Government Code § 99522-99523)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the 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."

The Tijuana River watershed: According to the San Diego Regional Water Quality Control Board, the Tijuana River watershed is a large binational watershed of approximately 1,750 square miles that lies across the California-Mexico border. A large portion of the watershed

(approximately 75%) is within Mexico and encompasses the densely urbanized city of Tijuana, Mexico. The watershed drains into the Tijuana River Estuary in the U.S. and ultimately to the Pacific Ocean in the city of Imperial Beach.

Land uses in the watershed are diverse, from largely undeveloped open space in the upper watershed to highly-urbanized, residential, commercial, military, and industrial areas in the lower watershed. Over the past 30 years, Tijuana, Mexico has experienced tremendous population and industrial growth, along with rapid urbanization, which has strained the aging Mexican sewage infrastructure. Emerging sewage infrastructure inadequacies have created recurring pollution problems on both sides of the California-Mexico border. At times, sewage generated on the Mexico side of the watershed travels north into California through the Tijuana River or other cross-border canyon tributaries in the Tijuana River Valley. The sewage flows degrade water quality in the Tijuana River Estuary and adjacent coastal waters, and also pose a significant public health risk to residents and visitors along both sides of the border.

While significant improvements in wastewater treatment have, in recent years, improved water quality on both sides of the border, stormwater flows continue to bring substantial amounts of sediment, trash, and other contaminants into the valley, which impairs water quality, jeopardizes public health, threatens life and property from flooding, degrades valuable habitats, and impacts recreational opportunities for residents and visitors.

The New River Waterway: The New River is a transboundary river that flows from Mexicali, Mexico into the City of Calexico in California and drains into the Salton Sea. According to the Colorado River Basin Regional Water Quality Control Board, although discharges from U.S. sources are treated and disinfected to meet state and federal standards, the water entering the U.S. contains raw sewage; industrial, domestic, and agricultural wastes; trash; and other solid pollutants, owing mostly to Mexicali's overburdened and deteriorating infrastructure. Bacteria from fecal matter, present in raw sewage flowing from Mexicali, accounts for the highest concentration of waste. This results in a serious threat to public health and ecosystems, and hinders economic development in the Imperial Valley. The U.S. and Mexico acknowledged the New River's poor quality as far back as the 1940s, but took little action until 1980, and only after the situation had worsened due to a population boom and industrial development in Mexicali.

Human health implications of transboundary pollution. The "Clean Water Report," released by the Surfrider Foundation in 2024, details findings from tests conducted on water samples collected from coastal sites across the U.S. According to the report, Imperial Beach in the San Diego region is one among ten beaches in the country that consistently have high bacteria levels, with 100% of samples collected from Imperial Beach in 2023 failing to meet state health standards for bacteria in recreational waters. The report also states:

"Every day, millions of gallons of contaminated water carrying stormwater runoff, raw sewage, harmful chemicals, and trash traverse the U.S./Mexico border through the Tijuana River Watershed and flow out into the Pacific Ocean in Imperial Beach. Additionally, the San Antonio de los Buenos Wastewater Treatment Plant just south of the border discharges approximately 35 million gallons of untreated sewage into the Pacific Ocean each day. Currents associated with the Southern California Bight carry this pollution up the coast during the summer, causing widespread illnesses on both sides of the border and forcing beach closures throughout South San Diego County... This public health and environmental justice emergency has been going on for decades and it's only getting worse, especially with

climate change-related storm events further stressing the already inadequate and failing regional wastewater infrastructure."

According to the Imperial County Public Health Department, the New River has been characterized as one of the most polluted rivers in the U.S. and has, for decades, constituted one of the largest public health issues in the region. Between 1998 and 2010, the federal Agency for Toxic Substances and Disease Registry entered into cooperative agreements with the state of California to investigate the human health implications of pollution in the New River. The resulting series of investigations led the California Department of Public Health to recommend that the public avoid contact with and ingestion of New River water sediments and limit consumption of sport fish from the New River, largely due to the presence of fecal bacteria and other pathogens.

California State Legislature's work on border river water quality: Over the last twenty years, the California State Legislature has made multiple investments, passed legislation, and held several informational hearings focused on highlighting and addressing the serious pollution and public health issues associated with the New River and Tijuana River watershed. Despite these efforts, major challenges persist, in large part because much of the pollution originates across the international border, in Mexico. State investments since 2017 have included:

- 2017: Reappropriation of \$2.1 million from the 2014 California Wildlife, Coastal, and Park Land Conservation Fund of 1988 for acquisition of lands in the Tijuana River Valley;
- 2019: Appropriation of \$15 million for Tijuana River pollution control;
- 2020: Appropriation of \$18 million from the General Fund and \$10 million from Proposition 68 water bond funds for the New River Project;
- 2021: Appropriation of \$20 million to improve water quality in border rivers; and,
- 2022: Appropriation of \$15 million for border rivers cleanup.

In June 2026, the California State Legislature included in its proposed budget plan a \$1 million ongoing appropriation to establish a Border Water Quality Protection Unit (Unit) at the San Diego Regional Water Quality Control Board. The Unit would address cross-border pollution from Mexico and support the protection of human health, water quality, and beneficial uses associated with the Tijuana River and Estuary, and near-shore Pacific Ocean.

The 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. In 2020, the USMCA replaced NAFTA, which was established in 1994 to lower trade barriers and accelerate U.S. trade with Mexico and Canada. Chapter 24 of the USMCA aims to promote high levels of environmental protection and effective enforcement of environmental laws to address trade-related environmental issues. In alignment with these objectives, the USMCA requires the US 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.

The USMCA 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. 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 to decide on any

recommendations for action. The first joint review is scheduled to take place on July 1, 2026. Parties may provide recommendations to the FTC 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. 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 USMCA.

This resolution: SJR 13 makes a number of declarations regarding the origins and impacts of transboundary pollution flows into California and urges the U.S. to adopt, at an upcoming review of the USMCA, commitments to eliminate chronic transboundary sewage discharges. If these commitments are not established, SJR 13 resolves that the U.S. commit to automatic nonrenewal of the USMCA.

Arguments in support: According to the Tijuana River Coalition, comprised of more than 65 nonprofit and community-based organizations:

"Since the adoption of NAFTA in 1994, cross-border trade between California and Mexico has grown substantially, including transportation equipment, electronics, agricultural products, and manufactured goods. This rapid economic expansion has outpaced existing wastewater, stormwater, and environmental infrastructure, resulting in chronic pollution in the Tijuana River Valley and the New River through regular contaminated discharges. These discharges threaten public health in border communities, raise serious environmental justice concerns for working-class families and communities of color, and leave waterways heavily contaminated, with fecal coliform levels in the New River nearly 800 times the federal legal limit...

Trade agreements must not ignore environmental harm or the real public threats that increased economic activity poses to border communities. SJR 13 would call for any renewal of the USMCA to be contingent on measurable progress in addressing transboundary pollution, ensuring that economic integration under the agreement is matched by protections for California communities. By linking renewal to numeric benchmarks, infrastructure timelines, and public reporting, SJR 13 would make clear that continued trade growth under the USMCA should not come at the expense of public health, environmental quality, or community wellbeing.

Investment in water and wastewater infrastructure is not merely an environmental or public health issue; it is a strategic economic and regional security imperative."

Arguments in opposition: None on file.

Related legislation:

- 1) SJR 18 (Padilla, Chapter 175, Statutes of 2024). Makes declarations regarding health impacts associated with pollution in the Tijuana River, and requests that the federal Centers for Disease Control and Prevention investigate health concerns raised by this pollution.
- 2) AJR 12 (Alvarez, Chapter 201, Statutes of 2024). Urges the U.S. Congress and President Joseph R. Biden to fully fund the US EPA's Comprehensive Infrastructure Solution for the Tijuana River due to ongoing impacts to public health, the environment, and the local

economy caused by cross-border pollution; urges President Joseph R. Biden to declare a national emergency due to those ongoing impacts; and urges President Joseph R. Biden and the U.S. Congress to provide funding to address ongoing cross-border pollution impacting the New River.

- 3) SB 1178 (Padilla, 2024). Would have required the State Water Resources Control Board (State Water Board) to establish regulations for compliance entities, as defined, that govern annual reporting of waste discharges, as specified; would have required compliance entities to place a warning label on products sold in California; would have established the California Water Quality and Public Health Impact Fund (Fund); and would have required administrative penalties authorized under SB 1178 to be deposited into the Fund. This bill was held on the suspense file in the Assembly Appropriations Committee.
- 4) AB 1567 (E. Garcia, 2023). Would have enacted the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024, which would have authorized the issuance of \$15.1 billion in bonds to finance safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development program projects. At least \$50 million each would have been made available for the Tijuana River Border Pollution Control Project and the New River Water Quality, Public Health, and River Parkway Development Program. This bill died in the Senate Natural Resources and Water Committee.
- 5) AB 1597 (Alvarez, 2023). Would have allowed funds, upon appropriation, to be made available to CalEPA for the North American Development Bank, to fund loans, grants, and direct expenditures for projects addressing water quality issues in California-Mexico cross-border watersheds, as provided. This bill was held on the suspense file in the Senate Appropriations Committee.
- 6) SB 253 (Wiener, Chapter 382, Statutes of 2023). Requires any partnership, corporation, limited liability company, or other U.S. business entity with total annual revenues in excess of \$1 billion and that does business in California to publicly report their annual greenhouse gas emissions, as specified by the California Air Resources Board.
- 7) AB 2248 (E. Garcia, Ward, 2022). Would have provided \$100 million to the State Water Board from the state's General Fund, upon appropriation by the Legislature, for grants and direct expenditures to address water quality problems arising in California-Mexico cross-border rivers. This bill was vetoed by Governor Gavin Newsom.
- 8) SJR 22 (Hueso, Chapter 241, Statutes of 2018). Urges the federal government and the U.S. Section of the International Boundary and Water Commission to take immediate action to adequately address cross-border pollution in the Tijuana River Valley.
- 9) SB 507 (Hueso, Chapter 542, Statutes of 2017). Authorizes funds granted to the County of San Diego in the 2014 Budget Act to be available for development, improvement, rehabilitation, protection, restoration, and studies of natural and park lands in the Tijuana River Valley.
- 10) AB 1059 (E. Garcia, Chapter 584, Statutes of 2015). Requires the Office of Environmental Health Hazard Assessment to update its CalEnviroScreen 2.0 tool by using any relevant

environmental data relating to known impacts of air pollution, water pollution, and toxic sites on the environmental quality of the communities in the California-Mexico border region.

- 11) AB 965 (E. Garcia, Chapter 668, Statutes of 2015). Requires the California-Mexico Border Relations Council to establish the New River Water Quality, Public Health, and River Parkway Development Program to coordinate funding for, and the implementation of, recommendations from the New River Strategic Plan. Provides the Border Relations Council with a consultative and coordinating role on the development, implementation, and funding of specified border-related projects.
- 12) SCR 90 (Hueso, Chapter 80, Statutes of 2014). Declares the Legislature's intent to work with the Tijuana River Valley Recovery Team to take various actions to protect and preserve the Tijuana River Valley; encourage collaboration with the team to protect and enhance natural resources through improved management of sediment and trash, flood control, ecosystem management, and recreation and education; and promote bilateral ties with Mexico.
- 13) AB 1079 (V. M. Pérez, Chapter 382, Statutes of 2009). Required the Border Relations Council to create a strategic plan to study, monitor, remediate, and enhance the New River's water quality to protect human health and develop a river parkway suitable for public use and enjoyment.
- 14) AB 3021 (Núñez, Chapter 621, Statutes of 2006). Establishes the Border Relations Council to serve as the central organizing body for overseeing and collaborating on California-Mexico border issues.

REGISTERED SUPPORT / OPPOSITION:

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
League of Women Voters of San Diego
Los Amigos de la Comunidad, INC.
Outdoor Outreach
Project Kolika
San Diego Bird Alliance
San Diego State University
SanDiego350
Sierra Club
Sierra Service Project
Stop the Sewage
Surfrider Foundation San Diego Chapter
Tijuana River Coalition

Tribal Sacred Waters, INC
Un Mar De Colores
WildCoast
YMCA of San Diego County
Youth Will

Opposition

None on file.

Analysis Prepared by: Naomi Ondrasek / E.S. & T.M. / (916) 319-3965