

## 7. REGULATIONS

Between 1972 and 1973 the Government enacted several regulations to specify limits on particulate emission levels from stationary sources and to regulate water pollution. Given the rapidly growing levels of industrialization and urban congestion in the major cities, these requirements were soon obsolete. In January 1984, as a result of increased pressure from the public opinion, the Government published a new set of laws and regulations to supersede, restate or cancel previous laws. Finally, on January 26, 1988 the new Federal Law on Ecological Equilibrium and Environmental Contamination was passed and enacted on March 1, 1988. This law supersedes and abrogates the prior federal law. The fundamental change in the law is organizational as it centralizes power within SEDUE while recognizing the need for inter-agency, state and municipal government participation for successful implementation.

The legal basis for ecological action in Mexico is found in its Constitution. Several articles cover the use of natural resources, human health, safety and pollution prevention and control, as well as the decentralization and definition of responsibilities regarding environmental protection and ecological equilibrium between the federal, state and municipal governments.

The new law covers the following points: cooperation of federal, state and municipal governments; major responsibilities of the Ministry of Urban Development and Ecology (SEDUE), the Department of the Federal District and the National Ecology Commission; general ecological policy and its instruments; creation and protection of protected natural areas; rational use of natural elements, including water and its ecosystems, soil and its resources, non-renewable resources and the effects of their exploitation; protection and control of the environment, including atmosphere, water and land; definition of risky activities, dangerous materials and residues; rules regarding nuclear energy, noise, vibrations, thermal and light energy, odors and visual contamination; promotion of social participation; security and controlling measures and sanctions, as well as regulations on testing and inspection, legal actions and fines. This law is patterned after those in effect in the U.S., Spain, Germany and Japan, and incorporate rules designed by the Environmental Protection Agency (EPA).

The new law touches on three basic aspects of environmental law: the use of natural resources, whether renewable or not, the necessary actions to avoid pollution, and ecological equilibrium to allow for further development. Fundamentally, the law states that any public or private activity which causes ecological disequilibrium or excesses must receive prior authorization from SEDUE. The substantive scope of the law sets forth ecological policy, planning and ordinance, and contains criteria for the promotion and regulation of economic, social and urban development. The law makes detailed provisions for the prevention and control of air, water and soil contamination by regulating vehicular and industrial emissions, depletion and contamination of the existing water supply, importation of hazardous toxic waste, herbicides, pesticides, fertilizers or other toxic substances prohibited in their country of manufacture. The storage, transportation, re-use, incineration or final disposal of waste products also require the prior authorization from SEDUE. Any company producing hazardous waste is legally responsible for its proper disposal in perpetuity. All contamination due to noise, vibrations, thermal energy, odors or visual effects, when it exceeds the limits established by SEDUE and the Secretariat of Health, is prohibited.