



MEXUS Plan

Joint Contingency Plan between the Secretariat of the Navy of the
United Mexican States and the United States Coast Guard
Regarding Pollution of the Marine Environment by
Discharges of Hydrocarbons or Other Hazardous Substances



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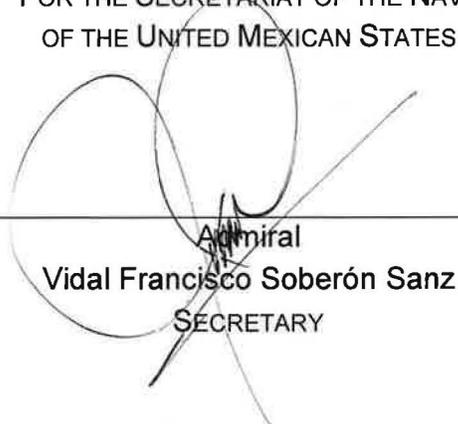


Letter of Understanding by which the MEXUS Plan is Adopted

1. The *Joint Contingency Plan between the Secretariat of the Navy of the United Mexican States and the United States Coast Guard Regarding Pollution of the Maritime Environment by Discharges of Hydrocarbons and Other Hazardous Substances* (MEXUS Plan) provides standard operational procedures with respect to joint response in case of pollution incidents that may affect the coastal waters or marine environment of the other country.
2. The MEXUS Plan derives from the obligation set forth in Article 1 of the *Agreement of Cooperation Between the United States of America and the United Mexican States Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances* (1980 Agreement), done in Mexico City on July 24, 1980.
3. The MEXUS Plan is developed according to provisions of the *International Convention on Oil Pollution Preparedness, Response and Cooperation* (OPRC 1990), adopted in London on November 30, 1990.
4. According to Article V of the 1980 Agreement, for the coordination of the Plan, the Government of Mexico designates the Secretariat of the Mexican Navy and the United States of America designates the United States Coast Guard
5. The MEXUS Plan can be modified by decision of the Participants. It will remain in effect until it is replaced by another, or until the USCG or SEMAR decides to discontinue the Plan in writing with 60 days notice.
6. This MEXUS Plan replaces the version from 2000.

Signed on July 11, 2017 at Mexico City, Mexico, in two originals, one each the Spanish and English language.

FOR THE SECRETARIAT OF THE NAVY
OF THE UNITED MEXICAN STATES



Admiral
Vidal Francisco Soberón Sanz
SECRETARY

FOR THE UNITED STATES COAST GUARD



Admiral
Paul F. Zukunft
COMMANDANT





Record of Changes

| Date | Section | Description | Changed By (email address) |
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100 Introduction

Appendix (1) contains definitions of words and acronyms used in this Plan.

101 Legal Framework

The 1980 Agreement commits the United States of America (U.S.) and the United Mexican States (Mexico) to create a *Joint Contingency Plan between the Secretariat of the Navy of the United Mexican States and the United States Coast Guard Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances* (MEXUS Plan). The MEXUS Plan also facilitates U.S. and Mexican implementation of their commitments under the OPRC 1990.

This MEXUS Plan replaces the version from 2000. This Plan and its Regional Annexes are legally non-binding; it does not affect the rights and obligations of Mexico or the U.S. under national or international laws, international agreements, or their respective positions with regard to the Law of the Sea.

Depending on the circumstances, additional actions may be required under applicable law even when such action is not required or identified in this Plan.

102 Purpose

The MEXUS Plan promotes a coordinated system for regional preparedness, planning, and response to a pollution incident that may affect the coastal waters or marine environment of the other country by providing guidance that supplements the existing national response system of each country and facilitates joint response at the regional level. The MEXUS Plan is supplemented by two legally non-binding Regional Annexes, MEXUSGULF and MEXUSPAC, which are implemented under the oversight and responsibility of the respective Mexican Navy (SEMAR) Region/Zone Commanders and U.S. Coast Guard (USCG) District Commanders. The Regional Annexes provide additional guidance with respect to the communication and coordination processes that must be used on either side of the border.

103 Geographic Limits

The marine environment of each country is the area of the sea, including the adjoining shoreline, on its side of the maritime boundaries established with the other country and other States, and within 200 nautical miles of the baselines from which the breadth of its territorial sea is measured. More specific geographic areas of



cooperation for MEXUSGULF and MEXUSPAC are identified in the respective Annexes.

200 Coordination and Levels of Command

201 Principles for Response to Pollution Incidents

Response operations may be conducted in accordance with the provisions and procedures of each country's national response system. The national response systems are supplemented by procedures referenced in this Plan and its Regional Annexes.

Appendix (2) contains the national and regional points of contact for SEMAR and the USCG.

202 Incident Command System

The Incident Command System (ICS) is the primary system for managing response activities in both countries.

203 Joint Response Team Chairs

Pursuant to the 1980 Agreement, SEMAR and the USCG formed a Joint Response Team (JRT). The JRT's responsibilities are outlined in Annex II of the 1980 Agreement. The Chairs of the JRT are, for SEMAR, the General Staff of the Navy through its Third Section (Operations), and for the USCG, the Director of Incident Management and Preparedness Policy (CG-5RI).

The JRT Chairs delegate preparedness and response functions of the MEXUS Plan as appropriate.

204 Regional Chairs

The functions and responsibilities of the Regional Chairs lie with the appropriate SEMAR Region/Zone Commander and USCG District Commander and may be delegated. These responsibilities are listed below.

- a. The Regional Chairs will share relevant technical and operational information with the other Participant's Regional Chair to promote efficient and effective responses. These informal communications do not necessarily constitute the joint response anticipated under subsection (b).
- b. The Regional Chairs will consult with their counterpart from the other Participant, and when they reach a joint decision, notify the JRT Chairs a joint response has been initiated.



- c. The Regional Chairs advise and provide support to the On-Scene Coordinator (OSC), as requested.
- d. Representatives, such as the Regional Chairs, Regional Coordinators, and OSCs, for each region should meet at least annually to address issues pertaining to the applicable Regional Annex, to plan exercises, and to train.

205 Regional Coordinators

The functions and responsibilities of the Regional Coordinator are vested in the official designated by the corresponding Regional Chair, which includes:

- a. Organizing the exchange of information between the two countries regarding general oil spill and hazardous substance response and the Regional Annex through meetings, trainings, and exercises;
- b. Maintaining the Regional Annex, job aids, and related materials in consultation with their counterpart; and
- c. Facilitating the exchange of information between the incident commands in each country during a joint response by phone, email, a shared web page, or in-person meetings.
- d. All other responsibilities established by applicable response plans.

206 On-Scene Coordinator

The OSC responsibilities are outlined in Annex 1 of the 1980 Agreement.

In Mexican waters, response operations are directed by an OSC designated by SEMAR. In U.S. waters, response operations are monitored or directed by an OSC designated by the USCG. The OSC may augment their response by using additional public sector or private sector resources.

300 Planning and Preparedness

The development, implementation, and maintenance of this Plan are the responsibilities of:

- a. On behalf of SEMAR, the General Staff of the Navy through its Third Section (Operations), and
- b. On behalf of the USCG, the Director of Incident Management and Preparedness (CG-5RI) through the Office of Marine Environmental Response Policy (CG-MER).

301 Regional Annexes

The Regional Chairs of the areas covered by MEXUSGULF and MEXUSPAC are responsible for the development, implementation, and maintenance of the Regional Annexes. These responsibilities include:

- a. Developing and updating the Regional Annexes in accordance with the principles of this Plan;
- b. Following the numbering scheme for this Plan, where those topics are applicable;
- c. Standardizing the forms specified in the Regional Annexes so they vary only with respect to the geographic area; and
- d. Aligning the MEXUSGULF and MEXUSPAC Annexes with one another as closely as possible.

302 Meetings and Exercises

Meetings and exercises will be carried out taking into account the following considerations:

- a. Representatives, such as the Regional Chairs, Regional Coordinators, and OSCs, may meet annually to discuss current topics of interest to SEMAR and the USCG, to analyze pollution incidents that have occurred, to plan exercises, and/or to make recommendations for keeping the MEXUS Plan and its Regional Annexes current. Regional meetings may take place more frequently, as deemed appropriate by both Participants.
- b. Each Regional Annex can be exercised in whole or in part at least every three years. Exercises may include a mock spill scenario, a test of the notification procedures, actual joint pollution response, or as otherwise determined by the Regional Chair.
- c. To the extent possible, the regions should schedule their meetings and exercises so each may participate in the other's events to the extent that personnel and resources permit.
- d. The exercise objectives can be achieved through a coordinated or independent response and through each country's national exercise programs.
- e. The Regional Chair is responsible for documenting lessons learned and for sharing these lessons with his/her counterpart and relevant personnel.



- f. Lessons learned may be taken into account in the development of future exercises and in modifications of the MEXUS Plan and its Regional Annexes.
- g. Each Participant covers the cost of the assistance provided by its representatives at meetings and participation in exercises.

303 Training

It is expected that each Participant make their best effort, consistent with its national laws and policies, to promote training for all response personnel from involved agencies to ensure such personnel are trained for the operational responsibilities of their positions during the application of the MEXUS Plan and/or the Regional Annexes.

304 Documentation

After a response involving activation of a Regional Annex to the Plan, it is recommended that the OSC will develop a complete report on the joint response during the incident.

The OSC may seek input from the Regional Chair and others involved, and may make recommendations to improve the MEXUS Plan and its Regional Annexes, when possible. The report shall be shared with the JRT Chairs and the Regional Chairs.

305 External Coordination

The Participants may include government and non-government agencies in their planning and preparedness activities as well as other agencies that provide support or advice to the JRT or the OSCs.

400 Operations

In the event of a pollution incident in the waters of one country that may threaten the waters of the other, the OSC and the Regional Chairs to the extent possible, can collect and share relevant operational and technical information, including identifying technical specialists and equipment that may be helpful to the other Participant. Regional Chairs can facilitate the transmission of such information in accordance with this Plan and its Regional Annexes.

In a joint response, each country staffs an Incident Command Post in their respective nation and conducts operations as per their respective national response system. Although not anticipated, in the event of an extraordinary circumstance, the



Regional Chairs have the option to establish a Unified Command and conduct joint response operations from a single Unified Command Post.

500 Trans-Boundary Movement of Response Resources

If trans-boundary movement of response resources is required, the Participant making the request is responsible for arranging the appropriate clearances in accordance with the corresponding Regional Annex.

600 Public Information

Each Participant will provide information to the public and media in its own country; however, both Participants can coordinate the information prior to dissemination.

700 Funding

Each Participant funds its own operations when responding to pollution incidents in the waters that fall under its jurisdiction. The MEXUS Plan and its Regional Annexes are consistent with the principle under each country's national laws that the "polluter pays." Each Participant may adopt the activities contemplated in this Plan subject to the availability of funds for these purposes.

Mexico and the United States are parties to the OPRC 1990. If required, reimbursement of costs related to assistance under this plan will be dealt with as provided in OPRC 1990 and by separate prior agreement before such assistance is provided by any of the Participants.

Funding for meetings and exercises is mentioned in Section 302(g).

800 Review and Modifications

The Participants intend to review this Plan every five years or upon the request of either Participant. Modifications to the Plan and its Regional Annexes may be made collaboratively by mutual understanding.



Appendix (1) Glossary

This glossary is common to this Plan and both of its Regional Annexes. The definitions are accurate for those documents but not necessarily for any other purposes.

| Words & Acronyms | Definitions |
|-----------------------------|---|
| Activation | Initiation of a joint response in accordance with this Plan during a pollution incident. |
| D8 | USCG Eighth District, New Orleans, Louisiana, USA. http://www.uscg.mil/D8/ |
| D11 | USCG Eleventh District, Alameda, California, USA. http://www.uscg.mil/D11/ |
| Joint Response | <p>Actions and/or decisions, carried out or taken by the JRT when facing a pollution incident that may affect both countries' waters, which will be carried out in accordance with this Plan.</p> <p>The term Joint Response is synonymous with joint coordination, bi-national response, bi-national coordination, and coordinated response.</p> |
| Joint Response Team (JRT) | An organization established for planning, preparedness, and response, composed of representatives from SEMAR and the USCG. |
| JRT Chairs | The persons designated by SEMAR and USCG to lead the JRT. The designated Chairs of the JRT are, for SEMAR, the Chief of the Third Section of the General Staff of the Navy (Operations), and for the USCG, the Director of Incident Management and Preparedness Policy (CG-5RI). |



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| <p>National Response System</p> | <p>The U.S. regulations for planning, preparedness, and response to discharges of oil and releases of hazardous substances and pollutants or contaminants. The <u>National Oil and Hazardous Substances Pollution Contingency Plan</u> is in the U.S. Code of Federal Regulations Title 40, Part 300.</p> <p>For Mexico, the Presidential Order of March 23, 1981, published on the Official Gazette of the Federation on April 15, 1981, established the <i>National Contingency Plan for the Spill of Hydrocarbons and Other Hazardous Substances Potentially Dangerous for Mexican Marine Zones</i>, and states that the Mexican Navy is in charge of the coordination and execution of this Plan.</p> |
| <p>MEXUSGULF</p> | <p>The Regional Annex of the MEXUS Plan applicable to the waters of the Gulf of Mexico under the jurisdiction of either country.</p> |
| <p>MEXUSPAC</p> | <p>The Regional Annex of the MEXUS Plan applicable to the waters of the Pacific Ocean under the jurisdiction of either country. http://www.rtt9.org</p> |
| <p>On-Scene Coordinator (OSC)</p> | <p>The person designated to coordinate and direct response operations.</p> |
| <p>Polluter</p> | <p>The owner, operator, and/or licensee of a vessel, facility or pipeline that causes a polluting incident. It is a synonym for "Responsible Party."</p> |
| <p>"Polluter Pays" Principle</p> | <p>The "polluter pays" principle is set forth in Principle 16 of the <u>1992 Rio Declaration on Environment and Development</u>, and is reflected in the national laws of each country. The principle requires that the polluter or Responsible Party is generally responsible for the costs associated with pollution.</p> |



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| Pollution Incident / Polluting Incident | A discharge or the threat of an imminent discharge of hydrocarbons or of any hazardous substance in the sea, of a magnitude or significance that requires an immediate response in order to contain, recover, or destroy the substance for the purpose of eliminating the threat or of minimizing its effects on the marine flora and fauna and on the public health and welfare. |
| Regional Annex | A geographically-specific complement to the MEXUS Plan that provides the necessary information to execute efficient and effective actions of joint response and coordination. |
| Regional Chair | Regional head of the Gulf and Pacific Region subdivisions of the JRT. Each relevant USCG District and SEMAR Region/Zone has a Regional Chair to carry out preparedness and response functions of the MEXUS Plan. The USCG District Commander and SEMAR Region/Zone Commander may delegate this function. |
| Response Operations | Actions to control or mitigate a polluting incident and minimize the impacts of such an incident. |
| Response Resources | Equipment, personnel, and other assets deemed necessary by the OSC to conduct response operations or monitoring activities. |
| RN-2 | SEMAR Second Naval Region, <i>Ensenada, Baja California, México.</i> |
| SEMAR | Secretariat of the Mexican Navy. <i>Secretaría de Marina.</i> http://www.semar.gob.mx/ |
| USCG | United States Coast Guard. http://www.uscg.mil/ |
| ZN-1 | SEMAR First Naval Zone, <i>Ciudad Madero, Tamaulipas, México.</i> |



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Appendix (2) National and Regional Contacts

| Mexican Navy | U.S. Coast Guard |
|--|---|
| <p>Center for Command & Control (CC2) Mexican Navy Headquarters Ciudad de México, México Tel: (011) 52-55-5624-6500 x1000/2000 (011) 52-55-5677-1119 Email: cc2_@semar.gob.mx</p> | <p>24-Hour Command Center National Response Center U.S. Coast Guard Headquarters Washington, District of Columbia, USA Tel: (001) 202-267-2675 800-424-8802 <i>US only</i></p> |
| <p>Third Section (Operations) Mexican Navy Headquarters Ciudad de México, México Tel: (011) 52-55-5624-6500 x7708/7207/7953/8430 Email: s3_ssoc@semar.gob.mx s3jemg@semar.gob.mx</p> | <p>International and Domestic Preparedness Division, Commandant (CG-MER-2) U.S. Coast Guard Washington, District of Columbia, USA Tel: (001) 202-372-2264 Email: HQS-DG-LST-CG-MER-2@uscg.mil</p> |
| <p>24-Hour Command Center Mexican Navy First Naval Zone Tampico, Tamaulipas, México Tel: (011) 52-833-215-7915 Email: zn1@semar.gob.mx</p> | <p>24-Hour Command Center 8th Coast Guard District New Orleans, Louisiana, USA Tel: (001) 504-589-6225 Fax: (001) 504-671-2005 Email: D8CommandCenter@uscg.mil</p> |
| <p>24-Hour Command Center Mexican Navy Second Naval Region Ensenada, Baja California, México Tel: (011) 52-646-177-3812 Email: rn2permanencia@semar.gob.mx</p> | <p>24-Hour Command Center 11th Coast Guard District Alameda, California, USA Tel: (001) 510-437-3701 Fax: (001) 510-437-3017 Email: RCCAlameda1@uscg.mil</p> |







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