

## Latin American Region Environmental Report: Mexico Highlights (Volume III 2013)

Article By:

Madeleine Boyer

---

### Mexico City Passes Progressive New Environmental Framework Law

On September 17, the Federal District of Mexico (*Distrito Federal*, “D.F.”) passed a decree (“the Decree”) reforming its framework environmental law, which went into effect on October 17. The Decree changed the law’s name to the “Environmental Law for the Protection of the Earth in the Federal District” (“the New Law”) (Decree, Art. 1). The New Law also marks a paradigm shift whereby the earth is considered a “living being” and whereby citizen participation plays an increased role. The New Law includes an expanded section on citizen participation and gives citizens the right to file complaints against polluters with the Environmental and Land Use Attorney (*Procuraduría Ambiental y de Ordenamiento Territorial*) directly. (New Law, Art. 23). The New Law also contemplates the establishment of incentives for businesses. The Decree also modifies the law to create a fund of 255 million pesos (19.5 million USD) for environmental protection. (New Law, Art. 69).

### Reference Source (In Spanish):

- [Environmental Law for the Protection of the Earth in the Federal District](#)

### Mexico Establishes Maximum Levels for Soil Contamination

On September 10, the Secretary of Environment and Natural Resources (*Secretaría de Medio Ambiente y Recursos Naturales*, “SEMARNAT”) issued an official Mexican standard (NOM-138-SEMARNAT/SSA1-2012, “the Standard”) establishing the maximum permissible limits for hydrocarbons in soils, as well as sampling guidelines for both characterization and remediation. (Art. 1). The Standard lays out both the hydrocarbons that are considered contaminants (Table 1), as well as the maximum permissible limits for hydrocarbons by weight (Table 2) and for specific hydrocarbons (Table 3). (Art. 6). For hydrocarbon mixtures, the standard mandates that the strictest level be used. (Art. 6). The Standard also lists the guidelines for soil sampling for both characterization and remediation, including number of sampling points, temperature and length of storage, and chain of custody requirements. (Arts. 7-8). Conformity assessments will be conducted

by the Federal Attorney for Environmental Protection (*Procuraduría Federal de Protección al Ambiente*, “PROFEPA”). (Art. 9).

**Reference Source (In Spanish):**

- [NOM-138-SEMARNAT/SSA1-2012](#)

**Mexico Proposes Environmental Insurance Requirements for Potentially Polluting Activities**

On September 5, a draft decree (“the Draft Decree”) was introduced in the Senate that would modify Mexico’s Environmental Framework Law to include compulsory insurance and liability coverage for all potentially polluting activities as a precautionary measure. (Art. 1). The Draft Decree would require that the amount of coverage be based on three indicators: the total area of the environment susceptible to damage or alteration, estimated economic costs for remediation, and possible impacts on populations or communities vis-à-vis their reliance on the environment or its resources. (Art. 2). This would replace the current system under which environmental damages are assessed in units of minimum wage. (Art. 3).

**Reference Source (In Spanish):**

- [Draft Decree modifying Mexico’s Environmental Framework](#)

© 2025 Beveridge & Diamond PC

---

National Law Review, Volume III, Number 338

Source URL: <https://natlawreview.com/article/latin-american-region-environmental-report-mexico-highlights-volume-iii-2013>