

ENVIRONMENTAL MANAGEMENT ON NORTH AMERICA'S BORDERS.

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On October 22, 1998, the Texas Natural Resource Conservation Commission (TNRCC) voted unanimously to deny a permit for a low-level radioactive waste disposal site near Sierra Blanca in far west Texas.¹ Ordinarily a decision to grant or deny a permit for a facility, even a radioactive waste disposal facility, would not garner much attention beyond the local area. In the Sierra Blanca case, however, the TNRCC decision was widely reported and discussed in Mexico City, Chicago, Washington, and elsewhere.² In fact, in the days and weeks before the Commission's vote, the Sierra Blanca waste site had been the subject of resolutions of the Mexican Congress, discussions between the energy secretaries of the two countries, press releases by the Mexican secretary for environment and natural resources, diplomatic communications from the Mexican secretary of foreign relations, and even an intervention by Mexican President Ernesto Zedillo.³ Mexican legislators and environmental activists declared their intention to bring the matter to the North American Commission for Environmental Cooperation

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1. See John W. Gonzalez, *State Kills W. Texas Nuclear Dumpsite*, HOUS. CHRON., Oct. 23, 1998, at A1 (listing concerns about the possible socioeconomic impact and whether the site could withstand an earthquake as reasons for the denial).

2. See *Texas Commission Votes Down Request for Permit to Open Sierra Blanca Nuclear Waste Site*, SOURCEMEX ECON. NEWS & ANALYSIS ON MEXICO, Oct. 28, 1998, available in, 1998 WL 8779141 [hereinafter *Texas Commission*] (compiling multiple newspaper stories from Mexico and the United States); see also Paul Duggan, *Texas Panel Rejects Nuclear Waste Dump, a Cross-Border Concern*, WASH. POST, Oct. 23, 1998, at A2; Paul de la Garza, *Texas Town Wards Off Nuclear Dump; Mexico Also Hails Victory*, CHI. TRIB., Oct. 23, 1998, at 6.

3. See *Texas Commission*, supra note 2; see also Alberto Betancourt, *Nuclear Waste: Border Skirmish*, 54 BULL. ATOMIC SCIENTISTS, May-June 1989, at 14, 14-15. The Mexican Congress relied in part on the La Paz agreement in opposing the dump site. See *id.*; see also Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area, Aug. 14, 1983, U.S.-Mex., 22 I.L.M. 1025, 1025-26 [hereinafter *La Paz Agreement*].

(CEC) if the TNRCC voted to grant the permit.⁴ Even more strikingly, Mexican federal and state legislators conducted a fast outside the Texas governor's residence, and there were Mexican and U.S. demonstrators near the TNRCC offices in Austin in the days before the Commission's vote.⁵

The direct engagement of Mexican officials and activists in the legal and political jockeying surrounding the TNRCC's Sierra Blanca permit proceeding demonstrates social and political trends that are increasing cross-border interaction in North America on issues of environmental protection and resource management. The changing patterns of environmental protection among Mexico, Canada, and the United States on a continental scale have so far received scant attention.⁶ Now comes *Environmental Management on*

4. See Notice of Intent to File a Submission on Enforcement Matters, In the Case of the Projected Construction and Operation of a Commercial Low-Level Radioactive Waste Disposal Facility Site at Sierra Blanca, *delivered to* Janine Ferretti, Interim Executive Director, Commission for Environmental Cooperation, Sept. 21, 1998 (copy on file with the *Houston Journal of International Law*); see also Kent Paterson, *Sierra Blanca Protests Sweep Both Sides of the Border*, (Oct. 20, 1998) <<http://csf.colorado.edu/laborrap/current-discussion/0346.html>>.

5. See Dave Harmon, *Mexican Officials Protesting Texas Nuclear Waste Dump*, AUSTIN AM.-STATESMAN, Oct. 21, 1998, at A1; see also Paterson, *supra* note 4.

6. See, e.g., PIERRE MARC JOHNSON & ANDRÉ BEAULIEU, *THE ENVIRONMENT AND NAFTA: UNDERSTANDING AND IMPLEMENTING THE NEW CONTINENTAL LAW* (1996) Up until now this has been the only book looking at the continent as a whole, although it is limited to analysis of the newly-established trinational Commission for Environmental Cooperation. To be sure, the three national governments have long-standing bilateral mechanisms to manage cross-border environmental issues, and there exists corresponding literature evaluating them. For the United States and Canada, the leading institution is the International Joint Commission, established by a treaty between the United States and Great Britain. See Treaty Relating to Boundary Waters Between the United States and Canada, Jan. 11, 1909, U.S.-Gr. Brit., 36 Stat. 2448. See generally Stephen J. Toope & Jutta Brunnée, *Freshwater Regime: The Mandate of the International Joint Commission*, 15 ARIZ. J. INT'L & COMP. L. 273 (1998) (discussing shared freshwater resources between the United States and Canada and the International Joint Commission that oversees boundary waters between the two countries). For U.S.-Mexican issues, the environmental relationship began to take on substance under a 1944 treaty between the United States and Mexico. See Treaty Respecting Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Feb. 3, 1944, U.S.-Mex., 59 Stat. 1219 (establishing the International Boundary and Water Commission). See also Stephen Mumme, *Innovation and Reform in Transboundary Resource Management: A Critical Look at the International Boundary and Water Commission, United States and Mexico*, 33 NAT. RESOURCES J. 93 (1993) (proposing administrative and functional reform of the binational International Boundary and Water Commission). An umbrella agreement on the full range of environmental issues between the two countries was reached in

North America's Borders,⁷ an important initial effort to examine transboundary environmental issues from the newly significant continental perspective.

The 1990s brought two dramatic developments that have changed forever the modalities for environmental protection in North America. One development was the North American Free Trade Agreement (NAFTA).⁸ NAFTA not only gave new structure and intensity to the economic integration among Canada, Mexico, and the United States, but also prompted the development of new institutions to address the environmental consequences of the economic integration specifically and the condition of the environment in North America more generally. Most importantly, NAFTA prompted the creation of the first-ever trinational environmental body, the CEC.⁹ The CEC has already begun to transform the ways in which the three national governments and the citizens of North America respond to environmental pressures and environmental controversies.¹⁰ The CEC has also initiated several efforts to deal with the border issues when either the commonality of border environmental management for all three countries¹¹ or an ecosystem of continental significance is involved.¹² Ironically, *Environmental Management on North America's Borders*, much of which was written in 1995 and 1996,¹³ comes too early to capture the CEC's emerging role through a specific case study.

1983 at La Paz, Baja California. See La Paz Agreement, *supra* note 3, at 1025–26.

7. ENVIRONMENTAL MANAGEMENT ON NORTH AMERICA'S BORDERS (Richard Kiy & John D. Wirth eds., 1998) [hereinafter ENVIRONMENTAL MANAGEMENT].

8. North American Free Trade Agreement (NAFTA), *done* Dec. 17, 1992, Can.-Mex.-U.S., 32 I.L.M. 289 (1993).

9. See North American Agreement on Environmental Cooperation, *done* Sept. 14, 1993, Can.-Mex.-U.S., art. 8, 32 I.L.M. 1480, 1485 (1993) [hereinafter NAAEC].

10. See Sanford E. Gaines, *CEC is Working, But Don't Bring Other Countries In*, ENVTL. F., Sept.–Oct. 1997, at 41, 42.

11. The CEC has sponsored two border-area projects on protection of marine and coastal area ecosystems, the Gulf of Maine and Bight of the Californias projects. See NORTH AM. COMM'N FOR ENVTL. COOPERATION, ANNUAL PROGRAM AND BUDGET 1998, at 6, 67–72 (1997).

12. See San Pedro Expert Study Team, Sustaining and Enhancing Riparian Migratory Bird Habitat on the Upper San Pedro River, June 15, 1998 (public review draft on file with the *Houston Journal of International Law*) (representing the latest publicly available report on the CEC's study of the management of water resources in the Arizona and Sonora border region).

13. See Telephone Interview with John Wirth, co-editor of ENVIRONMENTAL MANAGEMENT, *supra* note 7.

The second social and political development was the emergence of civil society (business leaders, environmental organizations, and others not holding direct responsibility for public decision making) in Mexico as an influential force,¹⁴ along with a more substantial engagement by local officials and environmental nongovernmental organizations in each country with their counterparts in the other two.¹⁵ National and transboundary activism has prompted all three governments to restructure the processes for making decisions on environmental questions,¹⁶ including those decisions involving one or both of their North American neighbors.¹⁷ Thus, the trilateral agreement creating the CEC and the bilateral agreement to establish the Border Environment Cooperation Commission (BECC) incorporate specific obligations and mechanisms for public access to, and influence over, the work of these international organizations.¹⁸ At the same time, citizens, civic and business organizations, and non-federal public officials are freshly energized and empowered to take a direct role in

14. See Carlos Fuentes, *A New Society Tests Mexico's Old Politics of Unity*, L.A. TIMES, Sept. 27, 1987, at V-2.

15. See generally Lloyd Axworthy, *Global Action, Continental Community: Human Security in Canadian Foreign Policy*, Address Before the Mid-America Committee (Sept. 9, 1998) (notes available at <http://www.dfait-maeci.gc.ca/english/news/statem~1/98_state/98_051e.htm>) [hereinafter Axworthy Address].

16. See *id.* (describing civil society and the private sector as being ahead of the government on globalization issues).

17. See *id.* (expressing the vast potential for bilateral and trilateral cooperation).

18. See NAAEC, *supra* note 9, arts. 14–15, at 1488–89. For example, the CEC secretariat is authorized to receive citizen submissions alleging a national failure to enforce environmental laws, to seek a response from the government in question, and with a two-thirds vote of council, to develop an independent record of the facts relating to the allegation. See *id.* The Border Environment Cooperation Commission (BECC) has a board of directors composed of local, state, and national officials of the United States and Mexico, as well as citizens from both nations. The BECC also established procedures to enhance public participation. See Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank, *done* Nov. 18, 1993, U.S.-Mex., introduction, arts. II §4, III §§2–3, 32 I.L.M 1545 (1993); see also Sanford E. Gaines, *Bridges to a Better Environment: Building Cross-Border Institutions for Environmental Improvement in the U.S.-Mexico Border Area*, 12 ARIZ. J. INT'L & COMP. L. 429, 448–59 (1995) (describing how the BECC has been fashioned as a new model empowering border communities to develop locally designed solutions to long existing border pollution problems).

environmental management, with or without support at the national level.¹⁹

Traditionalists in all three countries may scoff at the underlying premise of this book: that there is a "North America," particularly a North America that includes Mexico, in more than geographic terms. They may doubt that Canadians, Mexicans, and Americans could have a common perspective on issues, but there are powerful social and economic forces at work that are vigorously supplanting traditional values rooted in national identity.²⁰ The migration of people is one of the more obvious manifestations of these trends.²¹ Recognizing the new realities, Mexico recently modified its citizenship laws to allow Mexican citizens to assume U.S. or Canadian citizenship as well.²² As a result, cities like Chicago and Los Angeles, with their large Mexican populations, have become an important stop for candidates aspiring to the Mexican presidency in the year 2000.²³ By the same token, candidates for political offices in Texas and elsewhere now make campaign advertisements in which the candidate speaks in Spanish to the concerns of the Hispanic community.²⁴ On recent visits to the United States, Canadian Foreign Minister, Lloyd Axworthy, spoke of "building a North American community" and enlarging the "scope for practical work to expand bilateral and trilateral co-operation within

19. See Gaines, *supra* note 19, at 431 (discussing the BECC's emphasis on local community action).

20. See *generally* IDENTITIES IN NORTH AMERICA: THE SEARCH FOR COMMUNITY (Robert L. Earle & John D. Wirth eds., 1995) (publishing essays by writers from all three countries that explore the distinctiveness of national identities and the forces that are, nevertheless, drawing the peoples of North America into a single community).

21. See *id.* at 196-97 (discussing specific examples of migration, particularly from Canada and Mexico to the United States).

22. See *Congress OKs Letting Expatriates Retain Citizenship Benefits*, CHI. TRIB., Dec. 14, 1997, at C16. This broadened the effect of an earlier amendment extending dual citizenship only to those born after 1998. See *id.*

23. See Mary Beth Sheridan, *More Mexican Candidates Go Stumping in Southland*, L.A. TIMES, July 31, 1998, at A1 (focusing on the Los Angeles campaign efforts of one Mexican presidential candidate).

24. See *Collins Assails Strauss for Backing Congressional Police Inquiry*, DALLAS MORNING NEWS, Mar. 29, 1987, at 28A; see also Kevin G. Hall, *Hispanic Vote Gains Clout as Bush Duo Wins Florida, Texas*, J. COM., Nov. 5, 1998, at A1 (discussing Jeb Bush's successful Florida gubernatorial race). Perhaps more notably, Jeb Bush's Mexican-born wife was deemed a political asset in building support in Florida's Hispanic population. See *id.*

North America across the range of transboundary issues that affect our daily lives.”²⁵

Not by chance, Minister Axworthy pointed to environmental and natural resource issues as ones that exemplify the continental nature of our shared livelihoods.²⁶ The need to manage border resources, especially water, with the United States’ neighbors to the north and the south led a century ago to bilateral treaties and institutions.²⁷ What few realize is that the bilateral approach came about only after the United States failed to muster political leadership to pursue ideas for a broader continental approach in the late nineteenth and early twentieth centuries.²⁸ The United States convened the trinational Irrigation Congress in Denver, Colorado, in 1894 with a follow-up meeting the next year in Albuquerque, New Mexico, but the State Department backed away from Canadian and Mexican proposals for a trinational commission on water rights and allocations.²⁹ A decade later, President Theodore Roosevelt saw that resource issues encompassed a broader realm of common concern.³⁰ He called a North American Conservation Conference in 1909, which concluded that conservation did indeed transcend national boundaries.³¹ To build on that conclusion, Roosevelt planned a conservation meeting of world leaders at the Hague, but it was canceled by his successor, William Howard Taft.³²

These historical insights, nicely supported by a detailed environmental chronology, come from the deftly written and insightful introduction to *Environmental Management on North America’s Borders* by the editors of the volume,³³

25. Axworthy Address, *supra* note 16.

26. *See id.*

27. *See* ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 13 (referring to the 1894 Irrigation Congress involving the United States, Mexico, and Canada).

28. *See id.* at 14.

29. *See id.* at 13 (citing U.S. concerns over losing influence if it were to become an equal partner with Canada and Mexico).

30. *See id.* at 13–14 (contrasting Roosevelt’s view with the “official Washington prefer[ence] to deal one on one with Mexico and Canada).

31. *See id.* at 14 (referring to this conclusion as a “conceptual breakthrough”).

32. *See id.* (citing financial concerns as Taft’s reason for canceling the meeting).

33. *Id.* at 3.

Richard Kiy and John Wirth.³⁴ In their introduction, the editors establish several themes on a continental scale that tie together the descriptions in the succeeding chapters of discrete environmental management issues that have arisen along the northern and southern borders.³⁵ Their historical review connects closely with the new policy landscape they describe in institutions now engaged in environmental management, many of which have a continental scope.³⁶ Borrowing from pioneering environmental policy analyst Lynton Caldwell, the editors also identify the inherently continental “ecological perspective” that animates the building of these institutions.³⁷ Another factor transcending traditional bilateralism is the growing influence and greater organizational coherence of civil society in matters of environmental management.³⁸ Citizen environmental organizations, business groups, and local political leaders are developing trinational networks reflecting the increasingly trinational character of economic, political, and social relations in North America.³⁹

Because the continental nature of environmental policy in North America is still emerging, the nine studies of recent cross-border environmental management issues that constitute the core of this book are organized around the

34. *See id.* at 275–85, 290–91 (recognizing the editors as highly qualified to provide the background and the broader context of specific border environmental initiatives making up this volume because of their experience in the North American environmental enterprise). Richard Kiy has served as the Director for Environment, Health and Safety Systems for a Venezuelan joint venture information technology services company. *See id.* He has also served as a specialist on U.S.-Mexican border affairs with the United States Environmental Protection Agency and as acting Environmental Attache at the United States Embassy in Mexico City. *See id.* John Wirth is a distinguished Latin American historian at Stanford whose recent work embraced Canada and has focused increasingly on environmental factors in the relations among countries in the Americas. *See id.* Professor Wirth also serves on the presidentially appointed Joint Public Advisory Committee to the CEC. *See id.*

35. *See id.* at 3–31.

36. *See Id.*

37. *Id.* at 9 (quoting Lynton K. Caldwell, *Binational Responsibilities for a Shared Environment*, in *CANADA AND THE UNITED STATES: ENDURING FRIENDSHIP, PERSISTENT STRESS* 203, 204 (Charles F. Doran & John H. Sigler eds., 1985)); *see also* COMMISSION FOR ENVTL. COOPERATION, *ECOLOGICAL REGIONS OF NORTH AMERICA: TOWARD A COMMON PERSPECTIVE* (1997).

38. *See ENVIRONMENTAL MANAGEMENT*, *supra* note 7, at 7–8.

39. *See id.*

traditional bilateral perspective.⁴⁰ The case studies begin with a group of three studies under the heading “The North: Canada-United States Case Studies,” followed by a group of six studies under the corresponding heading “The South: Mexico-United States Case Studies.”⁴¹ Taken together, the studies are far richer than such a traditional organization suggests. In almost every instance, authors of each case study participated personally in the controversies or projects about which they wrote; several authors were in fact key decision makers or leading project instigators.⁴² The accounts that these participants offer resonate with the intensity of first-hand observation. These chapters could have been little more than a compendium of engaging war stories, giving no lasting value or insight to policy-oriented readers looking for lessons for the future. Instead, the chapters are serious, detailed, and well-documented reports, with a good dose of reflective analysis. They are uniformly well-organized, and most of them give substantial analytical attention to the factors influencing the outcome of each case, and offer observations or recommendations about how to manage such factors in other cases. All the chapters are documented; however the level of detail in the notes varies from chapter to chapter and rarely rises to the standard of rigorous scholarship. The “selective bibliography”⁴³ is much too selective and idiosyncratic to be of general value. Nevertheless, the book offers a solid starting point for more scholarly analysts in specific disciplines to pursue deeper inquiry into the cases and the analyses.

Another hazard of multi-authored volumes is incoherence arising from too broad a theme and too little discipline over the authors. The case studies in this volume certainly run a wide gamut of issues and the authors come from diverse perspectives.⁴⁴ Such breadth and diversity is inherent in any study of environmental management initiatives in North America, even if limited to issues involving borders and cross-border relationships. What binds the case studies together are some repeated themes of continental

40. See generally *id.* (noting the division in subject matter of case studies between U.S.-Canadian relations and U.S.-Mexican relations).

41. *Id.* at 51, 123.

42. See *id.* at 289–91 (detailing the contributors’ expertise in the arena of environmental issues).

43. *Id.* at 287.

44. See *id.* at 289–91.

significance about how problem solvers in specific cases have overcome, or failed to overcome, the fragmentation and bilateralism of formal intergovernmental relationships, which are captured in the first chapter of this book covering the existing treaty framework.⁴⁵ Each case study thus contributes useful and enlightening perspectives on the continental themes developed by the editors in the introduction. Indeed, just two of their themes would suffice to thread the case studies together.

One continental pattern is the emergence of local and state-level initiatives to address transboundary environmental issues.⁴⁶ A study by Jamie Alley, a British Columbia provincial government official,⁴⁷ describes the development and implementation of a state-province coordinating and planning mechanism, the British Columbia-Washington Environmental Cooperation Council, to deal with regional environmental concerns in the border-spanning region becoming known as Cascadia.⁴⁸ The Council, which has tackled such issues as marine water pollution affecting Puget Sound and pollution of the Columbia River, emerged with only tacit support or bare acquiescence from federal environmental and foreign relations agencies.⁴⁹

Another case study, *Managing Air Quality in the Paso del Norte Region*,⁵⁰ written by four authors directly engaged in the project, reports on a more focused local effort to address a single issue, transboundary air quality, in a single metropolitan area. The Paso del Norte Air Quality Task Force involves business leaders, local politicians, citizen activists,

45. See Roberto A. Sánchez-Rodríguez et al., *The Dynamics of Transboundary Environmental Agreements in North America: Discussion of Preliminary Findings*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 32.

46. See ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 275–85 (chronicling the emergence of local and state-level initiatives in the area of transboundary environmental issues).

47. See *id.* at 289 (describing Jamie Alley's background and expertise).

48. See Jamie Alley, *The British Columbia-Washington Environmental Cooperation Council: An Evolving Model of Canada-U.S. Interjurisdictional Cooperation*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 53.

49. See *id.* at 67 (discussing the initial lack of a strong federal role in the Cascadia initiative).

50. The authors are Peter M. Emerson, Carlos F. Angulo, Christine L. Shaver, and Carlos A. Rincón. Peter M. Emerson et al., *Managing Air Quality in the Paso del Norte Region*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 125.

and academic experts from both sides of the border.⁵¹ In this case, however, the ultimate value of their cooperative effort depended on state and federal approval for, and support of, the local initiative, which ultimately took the form of an appendix to an existing annex to the La Paz Agreement between the United States and Mexico, signed by officials of the two countries.⁵²

Former Del Rio, Texas mayor, Alfredo Gutiérrez, offers quite a different slant on local initiative in his chapter about siting hazardous waste disposal facilities near Del Rio.⁵³ His story shows how active local political leadership on both sides of the border can block the potential imposition of environmental harm by distant federal and state officials, enabling a relatively poor transboundary community to take responsibility for management of its local environment.⁵⁴

Mary Kelly's chapter on the transboundary air pollution from the Carbón I and II power plants provides a counterpoint to the examples of successful local initiative. She reveals the difficulty of managing the transboundary environment when a major facility and its environmental effects transcend local control, causing powerful federal bureaucracies and national foreign policy principles in both countries to be invoked.⁵⁵

The other continental theme that emerges from the array of bilateral case studies is the rising influence of civil society: business leaders, environmental organizations, and others not holding direct responsibility for public decision making. These actors are beginning to play a powerful, and usually positive, role in managing transboundary environmental problems. The account of the controversy over the Great Whale hydroelectric project by former Environment Minister for Québec David Cliche focuses on how the controversy brought into the public process different elements of the

51. See *id.* at 140. The first meeting was held in May 1993, and the task force now meets five to six times per year. See *id.*

52. See *id.* at 140–41, 150, 153–63 (referring to this agreement as a “step toward better regional management of transboundary air pollution”); see also La Paz Agreement, *supra* note 3, at 1032.

53. See Alfredo Gutiérrez, Jr., *Milagro Beanfield War Revisited: Low-Level Hazardous Waste Sites in Del Rio, Dryden, and Spofford, Texas*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 221.

54. See *id.* at 221–33 (describing a “transborder community united against a mutual enemy”).

55. See Mary Kelly, *Carbón I/II: An Unresolved Binational Challenge*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 189, 189–207.

affected civil society, including the Cree and Inuit nations residing in the area of the power generation project, and U.S. environmentalists from power-purchasing states, none of whom had previously had a voice in Québec's electric power policy.⁵⁶

Academic experts, philanthropists, and businesses are also part of the civil society engaged with environmental issues. The thoughtful analysis by Allen Blackman and Geoffrey Bannister of the project to reduce air emissions from small brickmaking kilns in Ciudad Juárez focuses on the successes and failures of bilateral philanthropic, business, and expert support for regulation of this "informal" sector.⁵⁷ Their chapter shows that managing the environmental impact of many small, undercapitalized operators presents a complex challenge that may require direct economic support from the government.⁵⁸

It may surprise some that the outlook for effective environmental management is generally more positive with respect to the large transnational corporations. Ann Pizzorusso, Director of Environmental Affairs for Philips Electronics North America Corporation,⁵⁹ which operates several *maquiladora* plants in the U.S.-Mexico border region, gives an account of the Border Zone Task Force, a voluntary environmental management program implemented by her company.⁶⁰ The task force made the business decision to reduce the environmental impact of Philips' operations well beyond what mere compliance with local legal requirements would dictate.⁶¹ The most encouraging part of the story is the dialogue that it inspired between the company and Mexico's federal environmental agency regarding how the task force might be replicated elsewhere.⁶² The interaction among

56. See generally David Cliche & Lucie Dumas, *Great Whale: From Conflict to Joint Planning of Quebec's Energy Policy*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 108, 108–24.

57. See Allen Blackman & Geoffrey J. Bannister, *Crossborder Environmental Management and the Informal Sector: Ciudad Juárez Brickmakers' Project*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 164, 164–88.

58. See *id.* (describing the difficulties inherent in attempting to regulate small, marginal businesses).

59. See ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 290.

60. See Ann C. Pizzorusso, *The Maquiladoras and the Environment*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 208, 209–13.

61. See *id.* at 213 (describing the task force as proactive).

62. See *id.* (citing the task force as a "model of what conscientious corporate action in the maquiladoras could accomplish").

business, environmentalists, and local citizens, and the way government officials reacted to the dynamic situation created by that interaction, is the central theme of a short but trenchant chapter on the failed effort by Chemical Waste Management to locate a hazardous waste incinerator in Tijuana, Mexico.⁶³

Editors Kiy and Wirth provide a final chapter that draws some larger implications from the case studies.⁶⁴ However, the conclusion is significantly less satisfying than the introduction, because it attempts to discuss lessons as disparate as the role of government⁶⁵ or the relevance of the North American experience to Latin America.⁶⁶ Even the editors' suggestions for future research⁶⁷ lack the coherence of the book as a whole, coming across as an ill-advised effort to reach out to every academic field: ecosystem analysis (maritime borders), environmental medium regulation (air pollution), technical capacity-building (emergency response), trade-environment interactions (trade corridors), the politics of participation (indigenous peoples), social policy (environmental justice), or sociological insight (the role of leadership).⁶⁸

However, the weak conclusion does not detract from the valuable and challenging insights that prompted this book in the first place, and which the book as a whole effectively delivers. The editors and their contributing authors show convincingly that there is a new civic spirit afoot in North America, a new appreciation of our continent-wide ecological interconnections, and a new institutional flexibility that facilitates both local and continent-wide management, as may be appropriate, of the border-crossing environmental consequences of our economic and social activities.

63. See Sergio Estrada Orihuela & Richard Kiy, *The Handling of Hazardous Industrial Waste on the U.S.-Mexico Border*, in ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 234, 234–46.

64. See ENVIRONMENTAL MANAGEMENT, *supra* note 7, at 247.

65. See *id.* at 249–53, 267–70 (expressing a need for government to take a more proactive and global perspective).

66. See *id.* at 253–54 (explaining that economic growth and expanded cross-border trading will likely lead South America to become less isolated, and consequently more involved with transboundary environmental issues).

67. See *id.* at 261–67 (expressing hope that their work will serve as a starting point for future research, and suggesting themes for further exploration).

68. See *id.*

When Mexico, Canada, and the United States agreed in 1993 to create the CEC,⁶⁹ they acted on these same emerging insights. Many border environmental issues, especially ones of essentially local character, will continue to be managed through bilateral cooperation and coordination. More and more, however, even seemingly local issues have continental implications. If the national governments can overcome the entrenched notions of sovereignty and national interest that still dominate international relations, and engage deeply in the dialogue of community that Canadian Foreign Minister Axworthy has opened, the CEC can play a leading role in devising environmental management strategies for border regions from a continental perspective. This book is rich in information and analysis toward that end. If its lessons are heeded, another study will soon be able to describe for us how the CEC and other trinational institutions have created the policy space and the intellectual capacity for smoother and more effective environmental management throughout North America.

69. *See id.* at 17–18. The CEC was passed less than two months before NAFTA. *See id.*