

Foreword: Symposium on Integrated Environmental Management

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Recommended Citation

Nancy L. Schmidt, *Foreword: Symposium on Integrated Environmental Management*, 40 DePaul L. Rev. 933 (1991)
Available at: <https://via.library.depaul.edu/law-review/vol40/iss4/2>

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SYMPOSIUM ON INTEGRATED ENVIRONMENTAL MANAGEMENT

Foreword

Environmental awareness seems to be at an all-time high. Contributing to this awareness are the almost daily newscasts informing the public of important environmental developments. As a result, people are becoming much more sensitive about the effects of their individual actions on the environment. Similarly, environmental sensitivity can be seen in the activities of the government at all levels. Local, state, and federal governments are continually enacting environmental programs and legislation. When we first considered an environmental law symposium, our first task was to narrow our topic. We rejected several suggestions, from academics and practitioners alike, to "pick an environmental statute" and focus on that. We opted, instead, to focus on the concept of integrated environmental management.

Under the current regime of our environmental laws, the statutes generally are segmented according to media—air, land, and water.¹ For the most part, these laws control only the harmful effects of pollution, with very little emphasis on waste minimization.² Integrated environmental management refers to a more holistic approach to controlling and responding to environmental problems. Terry Davies, former head of the Conservation Foundation and now Deputy Administrator of the U.S. Environmental Protection Agency, and Professor Lakshman Guruswamy have become two of the more well-known advocates of this approach. Professor Guruswamy describes the concept of integrated environmental management as "pollution control . . . based upon an holistic, rather than a discrete or segmented, view of the environment. The environment should not be artificially divided into separate areas of air, water

1. See Guruswamy, *Integrating Thoughtways: Re-Opening the Environmental Mind?*, 1989 WISC. L. REV. 463, 471. Professor Guruswamy describes the problem with this approach as follows:

Separate pollution control programs for air, water and land have been established without an adequate appreciation of the interrelated character of the three environmental sectors, a comprehension of the total burden of pollution, or a determination of which method of disposal would cause the least environmental damage overall.

Id.

2. See *id.* at 473. Professor Guruswamy stated:

Pollution laws, in general, concentrate on end-of-line controls and do not treat input and final products as part of the problem. When regulating end-of-line controls on industrial processes, pollution control laws have set separate standards for air, water and land. Controls applicable to each medium are applied and administered independently of each other. In so doing, congressional laws have ignored the overriding law of nature that "nothing goes away."

Id.

and land."³

In a 1989 Wisconsin Law Review article, Guruswamy argued that there are several problems with the current fragmented approach. Perhaps the most fundamental problem he identified was that the current system ignores basic concepts of physics: that matter is indestructible, and can only change form.⁴ As a result, "[w]hile limitations on discharges may correct the immediate environmental problem to which they are directed, these restrictions themselves often have impacts in other places. These impacts, known as cross media or inter-media pollution transfers, could happen either by direct transfers ("trade-offs") or by indirect transfers."⁵

The authors in this issue each offer a different perspective on the concept of integrated environmental management. Professor Robert Blomquist's article analyzes the prospects and problems of an integrated environmental statute. The subject of Professor Blomquist's piece is a proposal drafted by Terry Davies, then of the Conservation Foundation. Both Professor Blomquist and the author of the proposed act acknowledge that it is merely a starting point for further research and discussion on the merits and feasibility of an integrated approach to environmental management. Professor Blomquist's article is thus an important next step in the long-term process of developing such a policy. He concludes by suggesting that short-term institutional changes, emphasizing better coordination within and among the state and federal environmental agencies, may be a good place to focus current efforts.

Professor Ronald Rychlak picks up on Professor Blomquist's suggestion. Professor Rychlak considers the viability of integrated environmental management by scrutinizing current attempts at integration, specifically in the context of the Coastal Zone Management Act. Professor Rychlak points out the lessons learned through the efforts toward internal integration under that statute. He concludes that in order for complete integration to be realized, these lessons must be applied consistently to all environmental programs.

Professor Binder's article probes the NIMBY phenomenon and how it tends to preclude environmental solutions. His insight should be instructive for all participants in the environmental policymaking process. Before an integrated approach to environmental management can be effectuated, the force of NIMBYism must be reckoned with.

Professor Paulette Stenzel has contributed a review of the book, *Acceptable Risk? Making Decisions in a Toxic Environment*. The book describes the process of risk assessment and decisionmaking. The author concludes that the organizations that conduct risk assessment define the concept of "acceptable risk" in terms of themselves, without sufficient regard for risk to individuals. Professor Stenzel advocates, along with the author, improving the channels of communication with citizens regarding environmental issues. In this way, participation in the policymaking process will be more effective. In discussing the

3. See *id.* at 493.

4. See *id.* at 473.

5. *Id.*

desirability of sweeping changes in our current approach to environmental management, these thoughts are particularly fitting.

The discussion we hope to engender by publishing this symposium issue must address many open questions. Integrated environmental management can occur on many levels. This issue presents ideas on an integrated federal environmental code, integration within and among all levels of government, and the need to deal with and incorporate citizens' concerns. These articles will stimulate future discussion of other important integrated environmental topics such as, the feasibility of integrating environmental policy with other domestic policies, and the need to integrate United States environmental policy with our international neighbors.

As we evaluate our environmental friendliness, we may find ourselves indulging in a little "green pride." After all, Lake Erie has come back from the dead, and McDonalds finally abandoned those foam containers. The danger of such an attitude is that environmental sensitivity may become a passing fad. For now, being green is "politically correct." However, environmental issues must transcend politics, just as environmental efforts must go beyond recycling and bicycling. The process is ever-evolving, and we must be ready to implement policies that reflect changing environmental needs.

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