

have. The burden is then on the recipient country to call for consultation if a significant impact appears to be involved. No generally applicable fixed procedures for notification and consultation have been developed, in large part because of the great number and varied nature of the activities to which the principle potentially applies. Such specific matters as the timing of initial notification and the length of time available for consultation have tended to vary with the circumstances.

Traditionally the practice of notification and consultation has been applied primarily to single pollution point sources located near the international boundary. As recognized in the MOI, the problem of transboundary air pollution, involving the flow of air pollutants originating many miles distant from the border, requires that the practice cover a wider geographic area and range of activities.

Effective implementation of the practice also depends in the first instance on recognition of the potential environmental impact which a particular action can have on another country. In this respect notification and consultation are closely related to the allied practice of examining the environmental impact of an activity before it is authorized. Both the United States and Canada have developed domestic procedures for assessing the environmental impact of various activities. The two countries have also in some circumstances undertaken joint or coordinated studies of environmental impacts either bilaterally or under the aegis of the International Joint Commission.

Institutional Arrangements. The United States and Canada have traditionally made strong use of bilateral institutions to assist in managing their environmental problems. It is anticipated that institutional arrangements of some kind will be required to assist in giving effect to an agreement on transboundary air pollution. The particular nature of the institutional arrangements to be required in an agreement can be expected to flow from the specifics of the substantive undertakings which come out of the negotiation process. The following is a description of certain existing institutional arrangements between the two countries potentially relevant to transboundary air pollution.

The first bilateral institution with an environmental mandate to be established was the International Joint Commission (IJC) which was created pursuant to the 1909 Boundary Waters Treaty to assist in its implementation. The IJC is a standing binational body which, over seventy years, has developed a reputation for