

Chapter 1

Expanding Transatlantic Relations: Implications for Environment and Energy Politics

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The transatlantic relationship is one of the strongest and most densely institutionalized transnational relationships in the world. The strength of transatlantic relations is based on many shared security interests, common historical experiences, shared values associated with free and open societies and markets, and deep economic interdependence through extensive trade and foreign direct investment. The European Union (EU) and the United States (US) are also the world's largest trading and investment partners. Yet, even the most casual observer knows that transatlantic relations were off to a rather rough start in the early twenty-first century. Contemporary transatlantic relations and their possible future trajectories are the subject of considerable popular and scholarly attention (e.g. Cohen-Tanugi 2003; Gordon 2003; Kagan 2003; Peterson and Pollack 2003; Garton Ash 2004; Gordon and Shapiro 2004; Hamilton 2004; Pond 2004; Reid 2004; Rifkin 2004; De Grazia 2005; Hodge 2005; Jasanoff 2005; Levy et al. 2005; Lindberg 2005; Motolla 2006; Martinelli 2007; Mahoney 2008; Svensson 2008).

During the Cold War, intense East-West conflict placed security issues at the forefront of much of the transatlantic relationship, and pushed the Western European states, the US and Canada to emphasize the cooperative nature of their relationship. In contrast, contemporary transatlantic relations cover a much broader range of environmental and energy issues pertaining to trade, agriculture and food safety, public health, biotechnology, and renewable energy. While there is much transatlantic cooperation in these issue domains, EU and US officials have not hesitated to bring their differences into the open. In fact, interconnected trade, agricultural, and consumer safety issues were at the heart of substantial transatlantic tension during much of the 1990s and 2000s.

The EU and the US have developed distinctly different approaches to a range of domestic and foreign policy issues. In addition to well-known differences related to security issues in the Middle East and the International Criminal Court, EU-US differences extend to a wide range of issues with major environmental and trade implications. These include the regulation of greenhouse gas (GHG) emissions, use of genetically modified organisms

(GMOs), the role of the state in the promotion of renewable energies, and control of hazardous chemicals (Barschdorff 2001; Busby 2003; Jasanoff 2005; Schaper 2005; Schreurs 2005b; Selin and VanDeveer 2006b). The EU and the US have also clashed on matters related to agricultural subsidies, environmental regulatory policies, and a host of product and accounting standards (Vogel 1995, 1997b; Lafferty and Meadowcroft 2000b; Princen 2002; Davis 2003; Levin and Shapiro 2004; Vig and Faure 2004b; Ansell and Vogel 2006).

As a result of greater economic interdependence and the internationalization of trade in all kinds of products and services, differences in transatlantic regulatory standards and consumer expectations have caused frictions that were less visible in the past. The many environment-related issues on which the EU and the US have taken different paths are a matter of both academic interest and policy concern. EU-US tendencies towards convergence or divergence, competition or cooperation have significant implications for global environmental politics, international problem solving, and transatlantic trade. The EU and the US are the world's two largest economies. As a result, they have significant influence on international decision making in economic, social, energy, resource and environmental outcomes around the globe. The policy positions adopted by the EU and the US affect policy opportunities and choices in other parts of the world. With approximately 12 percent of global population in 2008, the US and the EU together account for nearly half of global economic activity. When they choose to cooperate, they have great potential to address global issues, including natural resource degradation, climate change, food safety, sustainable energy, poverty, and disease. In contrast, when the EU and US clash, global problem solving becomes more difficult and trade relations can chill.

In addition, due to their political and economic power and size, the EU and the US have the potential to accelerate global social and environmental problems when they assume policies that are aimed at protecting or furthering domestic interests irrespective of the environmental decline this may cause or accelerate in other parts of the world. EU-US attitudes toward agricultural policy and domestic farm subsidies under the World Trade Organization (WTO) are a prominent example of how EU-US agreement may not always benefit other countries and regions. Their support of biofuels—while well intentioned in terms of transitioning towards renewable energies—have also had unintended consequences in terms of food security and deforestation in developing countries. Clearly, transatlantic environmental and energy policies have significant meaning not only for the transatlantic relationship but also from a global perspective.

This book brings together long-term observers of environmental and energy politics and policy in the US and the EU to examine why, in so many prominent cases, such visible divides in regulatory approaches and outcomes have emerged. It focuses on policy areas particularly significant not only on environmental, energy, and health grounds, but also in terms of transatlantic trade relations.

The policy issues covered are sustainable development, safety of foods, genetic modified foods, asbestos, chemical management, the production and disposal of products, the production of energy, climate change, renewable energies, the standards placed on export credit agencies, and forest certification. The book is an exercise in inductive policy research. Each author was asked to compare the policy styles in the EU and the US in their area of special expertise, consider the extent to which a policy divide exists, explain the causes behind policy differences when they are there, and reflect on whether in the future policy rifts might be overcome or decline in significance with time. The conclusion looks across the individual case studies for patterns and trends in transatlantic environment and energy relations.

Many of the case studies confirm what has become something of a cliché—that the EU has become the global environment leader, a position the US could once claim but began to lose in the 1990s. The EU is pursuing policies that go well beyond those being adopted in the US—the case for example with “sustainable development,” renewable energies, climate change mitigation, regulation of chemicals, and product standards. The asbestos case is another where the EU’s complete ban of this carcinogen contrasts with the US, which still allows for some limited applications. The EU and US positions are closer to each other, however, than either are with the Canadian position, where asbestos mining is still permitted.

There are, however, exceptions to what has become the conventional wisdom about an EU in the lead. In relation to environmental regulations tied to export credit agencies, the US was the agenda setter and early mover although the EU eventually caught up with US restrictions. The case of food safety suggests that the EU and the US share many precautionary norms. Where there has been policy diffusion across the Atlantic, it is from the US to the EU in terms of the development of food safety institutions. The case of forest certification suggests that in some issue areas it is still difficult to talk of a US versus European position as policy convergence and divergence are not always defined at the federal level. Furthermore, as discussed in more detail below, at the sub-federal level many activities suggest considerable transatlantic similarity in norms and interests even in areas where politics are clashing at the federal levels.

Enlarging Transatlantic Relations

There are several reasons to emphasize the importance of EU-US environment and energy relations. Traditionally, transatlantic relations were primarily conducted between individual countries or groups of countries. As EU institutions (e.g. the European Commission (Commission), the Council of Ministers (Council), the European Parliament (EP), and the European Court of Justice) and actors (e.g. European non-governmental organizations (NGOs), lobby groups, and transnational corporations) have grown in strength and

influence, transatlantic interactions increasingly occur at multiple levels of governance—between Washington DC and Brussels, among and between national capitals, as well as across many sub-national actors, both public and private.

Since the founding of the European Economic Community in the 1950s, what is now the EU has steadily grown in terms of the number of Member States, the size of its population, and the global importance of its economy. Especially significant was the accession of 10 new Member States in 2004 and Romania and Bulgaria in 2007, bringing total membership to 27. In addition, Croatia, Turkey and the Former Yugoslav Republic of Macedonia are recognized candidate countries (see Table 1.1). This enlarged EU has a population of almost 500 million, substantially larger than the approximately 300 million in the US (Table 1.2). When calculated based on purchasing power parity, the gross domestic products of the EU 27 and the US in 2008 were roughly equal, at \$14.3 trillion and \$13.84 trillion, respectively (Table 1.2). In many ways the EU now rivals the US in terms of economic power and its regional political influence continues to grow.

With each round of EU accessions, new members have had to transpose into national law the entire body of EU law (*acquis communautaire*). This

Table 1.1 Growth in EU membership

1951:	Belgium, France, Germany, Italy, Luxembourg, the Netherlands (ECE 6)
1973:	Denmark, Ireland, and the United Kingdom (ECE 10)
1981:	Greece (EC 11)
1986:	Portugal and Spain (EC 12)
1995:	Austria, Finland, and Sweden (EU 15)
2004:	Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia (EU 25)
2007:	Bulgaria and Romania (EU 27)
	Official candidate countries: Croatia, Turkey, and Macedonia

Table 1.2 EU 27, US, NAFTA: population and GDP

	Population	GDP trillion US\$ (PPP)
EU27	491,018,667	14.300
US	295,734,134	13.84
NAFTA	438,902,230	16.46

Source: Central Intelligence Agency, *The World Factbook* (CIA 2008), as of 19 June 2008.

includes all treaties, regulations, and directives passed within the EU as well as all judgments handed down by the European Court of Justice. The EU has had a powerful transformative influence on the political and legal institutions and bodies of law of its older Member States, its new Central and Eastern European Member States, and the would-be accession states currently aligning their domestic policies with European laws in an effort to increase the likelihood of eventual EU membership or because they are already deeply integrated into the EU market (Carmin and VanDeveer 2004). Beyond those negotiating for membership, other countries, ranging from Iceland, Ukraine, and Georgia to Israel and Morocco have at various times at least toyed with the idea of applying for possible membership. And, while Norwegians twice used referenda to reject membership, Norway has already adopted most EU legislation (Hovden 2004). This has put the EU in a powerful position to use its political and economic soft power to influence the behavior and policy of states beyond its outer borders much as the US has done for decades.

The EU has institutionalized close relations with many of its neighbors in other ways as well (Bretherton and Vogler 1999; Marsh and Mackenstein 2005). The European Economic Area promotes the free movement of goods, people, capital and services among the EU, Norway, Iceland and Liechtenstein, while Switzerland has more agreements with the EU than any other country. In addition, EU-sponsored partnership programs and association agreements, such as the European Neighborhood Policy, offer economic integration and political cooperation with EU-neighbors. The Euro-Mediterranean Association Agreement, which calls for cooperation on economic, political, social and migration issues, expands the EU's influence to North Africa, Central Asia and a host of former colonies. Some EU organizations including the European Environment Agency have also non-EU members.

The US is widely recognized as a global superpower. Due to its economic size and military and political influence, the US still exerts great influence internationally. Yet, in a growing number of cases, the EU has challenged US political dominance. This has been especially true in questions related to the environment. It is also important to note that the US has been less successful than Europe in promoting regional integration and harmonization. Public and private sector actors in North America have reacted to developments in Europe by developing their own free trade areas and common markets. The North America Free Trade Agreement (NAFTA) removed trade barriers between Canada, Mexico and the US. The construction and operation of NAFTA engendered much environmental debate and the creation of transnational and inter-state environmental organizations (Audley 1997; Deere and Esty 2002; Markell and Knox 2003; Gallagher 2004). In only a few cases, however, have these organizations facilitated limited harmonization of North American environmental regulations.

While NAFTA rivals the EU in economic importance and population size, its degree of institutionalized political and regulatory integration remains far

lower. NAFTA does not promote the development of common policies and standards, except as these affect trade. This makes it difficult for NAFTA to ratchet regional environmental and product standards upward as the EU has done. Moreover, US officials have had difficulty expanding NAFTA to include other Latin America states, as exemplified by the 2005 collapse of the efforts to establish a Free Trade Area for the Americas (FTAA). Prior to their collapse, FTAA negotiations included almost no explicit attention to environmental issues or their links to trade. What this means is that while political and economic regionalism and integration has strengthened significantly the voice of EU Member States in international environmental debates, NAFTA has not had the same effect for North American states.

Many European leaders see the EU, at least in part, as a counterweight to US global power. Through enlargement and engagement, the EU has worked to spread political stability and expand capitalist markets across Europe. The EU, when successful, also offers the opportunity for Europe to speak and act as a large and strong actor in international politics. For decades, the US leveraged its market size to set global standards (Vogel 1995, 1997b; DeSombre 2000; Selin and VanDeveer 2006b). Now the EU increasingly plays this role. An illustrative example can be found in the 2004 international agreement on a common standard for barcodes on goods (Lohr 2004). The US standard had 12 digits, while the EU standard had 13. The expected benefits of having a single global standard, and the wider international acceptance of the European standard, forced North American producers to harmonize their bar code standard with the European one—despite the fact that bar codes were first developed in the US (Brown 1997; Haberman 2001). As noted in the *New York Times*, “the globalization of the bar code represents a small erosion of American industrial hegemony” (Lohr 2004). Similarly, Americans no longer buy a fifth of a gallon of Kentucky Bourbon (Reid 2004). Rather, whiskey comes in 75 centiliter bottles because that size meets the European standard.

While barcode and bourbon bottle standards may not command widespread attention, they reflect an important change in 21st century relations. Growing EU market power, driven by the size of the EU market and the EU’s ability to impose common standards, results in increased opportunities for Europe to challenge the US in setting de facto global product and regulatory standards (Vogel 1995, 1997b). While changing standards for chemicals management, food safety, mandatory recycling, or energy efficiency may not grab headlines like UN Security Council debates, they have significant influence on how US companies invest and produce. Because many recent EU environmental and consumer safety standards frequently surpass older US standards, many US and international firms are finding that they must adopt EU standards if they are to sell their products in Europe and elsewhere.

The Emergence of a Policy Divide in Transatlantic Environmental Relations

European states were heavily influenced by US environmental policy developments in the 1960s and 1970s. Many environmental policy ideas and programs diffused across the Atlantic, particularly from the US to the EU (Vogel 1995; Jänicke and Weidner 1997; Vogel 1997b; Lafferty and Meadowcroft 2000b; Schreurs 2002). The EU and the US cooperated closely in the establishment of numerous multilateral environmental agreements, including the 1971 Ramsar Convention on Wetlands of International Importance; the 1973 Convention on International Trade in Endangered Species of Wild Flora and Fauna; the 1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP); the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (including subsequent amendments); the 1992 Framework Convention on Climate Change; the 1994 Convention to Combat Desertification; and the 1994 International Tropical Timber Agreement (Table 1.3).

This historical pattern of close EU-US cooperation however has changed as different policy styles and approaches came to dominate on the two sides of the Atlantic. Whereas in Europe an ongoing regulatory role for the state in environmental protection remains generally well accepted, in the US, strong regulatory intervention by the state for conservation and pollution control has been increasingly challenged (Kraft and Kamieniecki 2007; Klyza and Sousa 2008). In addition, while the EU has moved towards greater multilateralism, the US has moved towards unilateralism. As a result, since at least the early 1990s, there has been a growing rift between the EU and the US in relation to numerous multilateral environmental agreements (Vogel 2003a; Vig and Faure 2004b; Schreurs 2005b). The best known case is the Kyoto Protocol, designed to reduce the GHG emissions of the world's industrialized countries (Bodansky 2003; Busby 2003; Hovi et al. 2004; Schreurs 2004c). US withdrawal from Kyoto in 2001 deeply strained the transatlantic relationship.

Beyond this, the US signed but never ratified the 1992 Convention on Biological Diversity (CBD) and did not sign the related Cartagena Protocol on Biosafety, which aims to establish safety standards related to the development, use, and transfer of GMOs. Similarly, the US has not become a party to the 1989 Convention on Transboundary Hazardous Waste Movements and their Disposal; the 1988 Aarhus Protocol on Persistent Organic Pollutants to the CLRTAP; the 1991 Convention on Environmental Impact Assessment in a Transboundary Context; the 1998 Convention on Access to Environmental Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and; the 2001 Stockholm Convention on Persistent Organic Pollutants (Table 1.3). In contrast, there are no major environmental agreements pioneered by the US that have been rejected by the EU.

Differences in environmental policy approaches across the Atlantic also contribute to trade disputes. Between 1995 (the formation of the WTO) and

Table 1.3 European Community (EC) and US ratification of major multilateral environmental agreements (as of July 2008)

	EC	US
1959 Antarctic Treaty	Ratified by 18 EU members	18 August 1960
1971 Convention on Wetlands of International Importance (Ramsar Convention)**	Ratified by all 27 EU members	18 April 1987
1972 Convention for the Conservation of Arctic Seals*	Ratified by 6 EU members	28 December 1976
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora**	Ratified by all 27 EU members	14 January 1974
1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP)	15 July 1982	30 November 1981
1982 Convention for the Conservation of Antarctic Marine Living Resources*	21 April 1982	18 February 1982
1984 Geneva Protocol on Long-term Financing of the Cooperative Programme for Monitoring Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP) (CLRTAP)	29 October 1984	17 July 1986
1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at Least 30 per cent (CLRTAP)	Ratified by 18 EU members	Neither signed nor ratified
1985 Vienna Convention for the Protection of the Ozone Layer	17 October 1988	27 August 1986
1987 Montreal Protocol on Substances that Deplete the Ozone Layer	16 December 1988	21 April 1988
1988 Protocol Concerning the Control of Emissions of Nitrogen Oxides (CLRTAP)	17 December 1993	13 July 1989
1989 Convention on the Transboundary Movement of Hazardous Wastes and their Disposal (Basel Convention)	07 February 1994	Signed, not ratified
1990 London Amendment (to the 1987 Montreal Protocol)	20 December 1991	18 December 1991
1991 Protocol on Environmental Protection to the Antarctic Treaty*	Ratified by 11 EU members; signed but not ratified by 7	17 April 1997
1991 Geneva Protocol Concerning the Control of Emissions of Volatile Organic Compounds and their Transboundary Fluxes (CLRTAP)	Ratified by 18 EU members	Signed, not ratified
1991 Convention on Environmental Impact Assessment in a Transboundary Context (Espoo EIA Convention)	24 June 1997	Signed, not ratified
1992 Convention on Biological Diversity (CBD)	21 December 1993	Signed, not ratified

Table 1.3 cont'd

	EC	US
1992 United Nations Framework Convention on Climate Change (UNFCCC)	21 December 1993	15 October 1992
1992 Copenhagen Amendment (Montreal Protocol)	20 November 1995	02 March 1994
1994 Convention to Combat Desertification	26 March 1998	17 November 2000
1994 Protocol on Further Reduction of Sulphur Emissions (LRTAP)	24 April 1998	Neither signed nor ratified
1994 International Tropical Timber Agreement	29 March 1996	14 November 1996
1996 Comprehensive Nuclear Test Ban Treaty	Ratified by all 27 EU members	Signed, not ratified
1997 Montreal Amendment (to the 1987 Montreal Protocol)	17 November 2000	01 October 2003
1997 Kyoto Protocol to UNFCCC	31 May 2002	Signed, not ratified
1998 Protocol on Heavy Metals (CLRTAP)	03 May 2001	10 January 2001
1998 Protocol on Persistent Organic Pollutants (CLRTAP)	20 April 2004	Signed, not ratified
1998 Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade UNEP/FAO (Rotterdam Convention)	19 December 2002	Signed, not ratified
1998 Convention on Access to Environmental Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)	17 February 2005	Neither signed nor ratified
1999 Beijing Amendment (to the 1987 Montreal Protocol)	25 March 2002	01 October 2003
1999 Protocol to Abate Acidification, Eutrophication, and Ground-level Ozone (CLRTAP)	23 June 2003	22 November 2004
2000 Cartagena Protocol on Biosafety (Convention on Biological Diversity)	27 August 2002	Neither signed nor ratified
2001 Stockholm Convention on Persistent Organic Pollutants	16 November 2004	Signed, not ratified

* This treaty does not apply to all EU Member States and thus, only a sub-set have ratified.

** These treaties only apply to individual EU Member States; the EC does not have the authority to become party to these agreements.

2006, the EU (technically, the European Communities) lodged 29 complaints against the US and the US filed 16 against the EU. While most EU complaints against the US were related to non-agricultural products or trade laws, nine of the 16 complaints the US made against the EU dealt with agricultural trade or biotech matters. While some of these disputes dealt with concerns related to trademarks, subsidies, and tariffs, others were linked to differences in policies protecting human, animal and plant health. Most important was the EU decision to ban hormone-treated beef in the mid-1990s. The US also brought the EU before the WTO for its practice of labeling genetically modified (GM) foods, a practice which the EU argues provides consumers with necessary information.

While renewable energy is still a small share of total energy in both the EU and the US and both sides of the Atlantic introduced energy conservation measures in response to the 1973 and 1979 oil shocks, Europe persisted with such efforts at the supranational level far more aggressively than did the US. In 2001, the EU introduced a directive with the goal of meeting 12 percent of energy consumption from renewable sources by 2010 and in December 2008, the European Council confirmed the Communities' commitment to increase the share of renewables to 20 percent of total energy consumption by 2020. In the US, several states promote renewable energy, but national programs remain limited (Rabe 2004; Selin and VanDeveer 2005, 2006a, 2009a). At the 2002 World Summit on Sustainable Development, EU officials failed to win US support for agreed national targets for renewable energy development.

These trends raise the question of why the EU and the US have moved in such different directions, leading to considerable discordance across the Atlantic? With the growing influence of global environmental norms, international expert communities, multinational corporations, international organizations, and international agreements, should not environmental policy differences between the EU and the US be narrowing, not expanding (Holzinger et al. 2008)? Given that the forces of globalization are supposed to be strong and bringing countries closer together, why in the past decade or more have the EU and the US diverged on so many important policy issues (Andrews 2005)? Why, when transatlantic economies are increasingly integrated, are the accompanying politics so often discordant?

Several plausible explanations exist. One is that differences indicate that societal and cultural norms are in fact diverging (Martinelli 2007; Guehlstorf and Hallstrom 2008). According to this line of reasoning, Europeans have come to embrace more deeply than have Americans such concepts as the precautionary principle and sustainable development (Grant et al. 2000; Vig and Faure 2004b; Sadeleer 2007). Sustainable development may simply be more suited to the kinds of social democratic political systems found in Europe than to the more conservative economic and political milieu of the US. Moreover, green parties and environmental movements in Europe have been more influential in changing political and societal norms than has the environmental movement in

the US (Bomberg 1998; Burchell 2002; Müller-Rommel and Poguntke 2002). Conversely, Americans have more firmly adopted the goals of liberal economic competitiveness and small government than their European counterparts.

A second line of argumentation is that the policy differences seen across the Atlantic are primarily a political artifact tied to the rise in influence of the Republican Party in the different branches of US politics during much of the 1990s and the first half of the 2000s (the US Congress from 1994–2006 and the Presidency from 2001–2008). The Republican Party has traditionally been a stronger supporter of business interests than environmental ones—which recently have been more the domain of the Democratic Party. The Republican Congress, with the backing of the George W. Bush administration favored industrial, mining, land use, and energy interests (Kraft and Kamieniecki 2007; Klyza and Sousa 2008). In the case of Europe, the rise of Green parties influencing the stands of Social Democratic, Liberal and Christian Democratic parties—partly a response to major environmental crises that have confronted Europe—helps explain the greater focus placed on environmental protection in Europe than the US.

A third perspective points less towards the emergence of new cultural and normative divides or shorter term political differences and more towards the impact that institutional changes in US and European politics have had on the ability of different groups to influence political outcomes. This approach suggests that the neoconservative revolution that began under the Reagan administration, was strengthened with the 1994 appointment of Newt Gingrich as Speaker of the House of Representatives, and solidified with the two-term George W. Bush administration has led to relatively deep institutional changes and a shift in the balance of the strength of different actor groups (the weakening of the Environmental Protection Administration, the empowerment of conservative think tanks, the decline of the activist court). These changes have put environmentalists on the defensive and encouraged a search for alternative—non-regulatory approaches to pollution control and environmental protection (e.g. voluntary agreements, emissions trading, public-private partnerships) that are less likely to result in an all out assault from entrenched interests (Morgenstern and Pizer 2007; Klyza and Sousa 2008).

Conversely the development and greatly expanded authority of EU organizations have provided new avenues for environmental and other societal interests to influence EU policy outcomes. The Commission and EP have been strengthened over time. New environmental NGOs have also formed all over Europe, shaping local and regional policy development. Furthermore, Green parties became members of national parliaments and governments, and many European parties across the political spectrum have been more inclined to push green ideas and pursue sustainable development than their US counterparts. In addition, concepts of sustainable development and the precautionary principle became deeply embedded in member state and EU laws and treaties (e.g. Baker 1997; Hunter and Smith 2005; Baker 2006).

As discussed more fully in the conclusion, this volume suggests that each of these explanations holds some explanatory power. Culture does matter. Liberal (i.e. free market) economic ideas and policies have a stronger hold in the US than the EU. An energy conservation culture has taken a firmer hold in Europe than the US. The political make-up of governments also clearly can influence environmental policy outcomes. This has been very visible in the US with the dominance of the Republican Party in US politics in the latter 1990s and first half of the 2000s. It is also visible in the EU member states. Spain's policies towards climate change and renewable energy changed quite dramatically when the Socialists regained power in 2004. Yet, the persistence of the differences in regulatory approaches that have emerged between the EU and the US across a rather wide swath of environmental issues suggests that these differences have become more than short-term political differences. They are also quite deeply institutionalized.

So then, what is the likelihood that domestic political forces or environmental understandings will change enough on one or the other side of the Atlantic to result in greater similarity in EU and US environmental policies and programs and a return to a more cooperative transatlantic environmental relationship in the future?

Expanding Transatlantic Relations: Politics and Governance at Multiple Levels

Typically, when the EU and the US are compared this is done at the national/supranational level and in relation to the politics of state actors (Desai 2002; Scruggs 2003; Harrington and Morgenstern 2004; Vig and Faure 2004b; de Bruijn and Norberg-Bohm 2005). Indeed, many of the divides that exist across the Atlantic in areas like climate change, product standards, and regulation of hazardous chemicals are most evident at the federal level, when the policies of Brussels and Washington DC are compared. Yet, the EU-US relationship needs to be understood as more than just a relationship at the federal level.

Individuals, organizations, and governments interact across the Atlantic at all levels, from the sub-national to the supranational, publically and privately. US public and civil society advocates for more stringent US policies to combat growing US GHG emissions or to manage chemical risks have become increasingly engaged with their European counterparts in attempts to import information, discourses and political lessons into North America. Many officials in US states, such as Massachusetts and California pursuing active climate change mitigation policies, have gone out of their way to meet and exchange information with colleagues who work in EU institutions, Danish and British national ministries, and/or German Länder (states). Municipal level officials and civil servants on both sides of the Atlantic belong to transnational sustainability networks (Slaughter 2004).

Transatlantic politics includes a diverse array of actors, including national and EU-level officials from an expanding set of different ministries and agencies, sub-national public officials and organizations, a host of intergovernmental organizations, NGOs of many types, corporations and national and international trade and industry associations. In fact, it can be argued that one of the most significant changes in the dynamics of transatlantic relations over the last generation is associated with the dramatic growth in formal and informal connections across the Atlantic. In more theoretical terms, the evidence suggests that agency is diffusing from a small number of powerful state actors to a larger and more diverse set of agents operating at local, national and transnational levels (O'Neill et al. 2004). Environmental and consumer NGOs, industry and trade associations, public officials and professionals of all stripes are increasingly embedded in transatlantic environmental, food safety, health, and consumer networks and organizations.

The growing number of sub-national and civil society actors engaged in transatlantic environmental and energy relations has important implications for transatlantic politics of related policy issues. While tensions have been prevalent in the relations between the EU and the US at the federal level, there has been a noticeable degree of policy convergence and a more cooperative transatlantic environmental relationship developing at the sub-national level over the past decade (Lopes and Durfee 1999; Tews et al. 2003; Levi-Faur and Jordana 2005). These multiple pathways of transatlantic politics can serve as both important channels of norm diffusion and learning, and influential avenues for strategic action (O'Neill et al. 2004; Slaughter 2004; Vogel 2005; Selin and VanDeveer 2007). For example, in 2006 Tony Blair and Arnold Schwarzenegger discussed potential means for transatlantic cooperation in climate mitigation, including with carbon emissions trading.

It should also be emphasized that while the differences that have emerged between European and US approaches to international environmental regulation are quite dramatic, only comparing these two economic powers at the federal level masks the many differences that exist among the states that comprise the EU and the US. There is considerable difference among European states in the extent to which domestic and international environmental protection policies and programs are developed and implemented (e.g. Hanf and Jansen 1998; Börzel 2002; Jordan and Liefferink 2004; Harris 2007). In general, despite many noteworthy exceptions, the richer states of northern Europe have been stronger supporters of international environmental agreements and better at domestic implementation than have their still developing southern neighbors. Similarly, there is a wide range of opinions on international environmental matters across the states of the US. In relation to a number of the environmental matters considered in this book, we will see that California and New England have tended to assume environmental positions closer to those embraced by the European Union than by Washington DC. This suggests the need for more nuanced and multi-level comparative approaches to the study of transatlantic relations.

An Overview of the Book

This book examines transatlantic relations around sustainable development, GMOs, chemical management, public health issues, Export Credit Agency (ECA) standards, forest certification, interstate environmental competition, sustainable development initiatives, climate change action, and WTO cases involving environmental regulations. The chapters demonstrate that transatlantic tensions, most of them deeply embedded in cooperative institutions, are commonplace in areas where environmental protection and trade policies intersect. Yet, while the volume as a whole suggests substantial transatlantic discord, several cases illustrate the deepening integration and institutionalized cooperation that is emerging due to market forces and transnational linkages that are at times forged at the local level.

The book is divided into four parts. Part I addresses issues of comparative environmental governance. In Chapter 2, Elizabeth Bomberg explores the question of why, when the US was the source of many of the ideas associated with the concept of sustainable development, it is the EU that has done more to formally embrace the notion in policy making. While President Clinton established a President's Council on Sustainable Development, it was shut down in 1999 and official reference to sustainable development since then has been difficult to find. Bomberg argues that the EU sustainable development steering network that included the Commission, the EP, and a community of scientific experts, NGOs, think tanks, and industry, have promoted the inclusion of sustainable development in European regulations and programs. In the US, actors have failed to forge such strategic alliances.

In Chapter 3, Sonja Wälti addresses how EU and US versions of federalism influence the way that businesses and environmental interests shape environmental policy making. Wälti focuses on key stakeholders and their use of institutional venues and opportunity structures. Businesses in Europe have comparatively better access to Member State governments because of the corporatist traditions and third-party accommodation found in many European countries. Businesses that lobby in Brussels tend to engage regulatory debates and discussions, rather than seek to oppose virtually all attempts to increase regulatory standards. This is in sharp contrast with the US where many industrial associations lobby Washington to prevent the adoption of environmental regulations. The US Congress has an institutional bias toward the particular interests of constituents as opposed to the diffuse interests of environmental NGOs. In contrast, the Commission has been receptive to NGO demands, and the EP has been an ardent defender of NGO interests.

Part II addresses specific environment cases: chemical regulations, asbestos bans, product standards, and GMOs. In these areas, the EU has outpaced the rest of the world in developing precautionary controls restricting the use of known and potentially hazardous chemicals, banning the use of asbestos, promoting product take back and recycling, and restricting the entry of GM

products into the European market place. These are issues where regulatory differences have not only important environmental and health implications, but major trade and economic ones. They have put the EU and the US into direct competition with each other.

In Chapter 4, Henrik Selin examines EU-US cooperation and competition on chemicals management. While North American and European concerns about hazardous chemicals have contributed to the formation of several international organizations and multilateral treaties and programs for their management, the EU and the US often disagree over specific regulatory issues and approaches. In particular, European efforts to revise and expand Community chemicals assessment and controls in the form of the new Registration, Evaluation and Authorization of Chemicals (REACH) regulation are resulting in growing EU-US controversy over the future direction of chemicals management. This is likely to have major consequences for transatlantic relations and international policy making in areas of risk management.

In Chapter 5, Marcus Carson considers the different approaches of the EU, Canada, and the US to asbestos use. The EU has banned the use of asbestos in large part due to actions by the French and UK governments. In contrast, neither Canada nor the US has banned all uses of asbestos, and the Canadian government still permits mining. The Canadian government has operated as the coordinator for international lobbying and public relations efforts to protect the global asbestos market. In the US new uses of asbestos have been banned, but existing ones have not. Carson shows why in Europe scientific data indicating asbestos as a risk led to a complete phase out of asbestos use in Europe, but not in the US and Canada.

Alastair Iles in Chapter 6 compares US and EU approaches to the establishment of product standards for automobiles and electronics. Iles outlines the environmental and health problems posed by cars and electronics and the different approaches of the EU and the US toward their regulation. EU policies surpass those in the US in requiring industry to change manufacturing processes and procedures to reduce environmental risks and facilitate mandatory recycling requirements. The EU has taken the lead in this area because of changing consumer views of product risks, the agenda-setting role of European institutions, and industry willingness in the end to acquiesce to growing environmental pressures. Desires to harmonize product standards across the EU and to influence global standards are significant.

In Chapter 7, Patricia Keilbach asks why transatlantic tensions have mounted over the trade in food products. EU-US disputes over GM food reveal the growing complexity of international trade conflicts. Many US actors advocate the spread of GM food, arguing that population growth means that our future may be dependent on the success of the promise of GM food to deliver plentiful, more nutritious food. EU actors argue that information about the impact of GM food on human health and the environment is relatively scarce, and their promise is uncertain. The divergent regulatory approaches to GM food across

the Atlantic stem from ideological differences rather than from economic considerations, making harmonization of policies difficult.

In Chapter 8, Thomas Bernauer and Phillip Aerni show that developing countries have become an important target of the transatlantic agri-biotechnology debate. The EU and the US have sought to influence the position of developing countries in the context of the Cartagena Protocol on Biosafety, which governs transboundary movements, handling, transit, and use of living GMOs and is supported by the EU and opposed by the US. EU and other GMO-adverse stakeholders have been more successful in exporting their preferences and regulatory approaches to developing countries in the past decade. The tide appears to be turning, however, because a more pragmatic approach to GMOs is emerging in many developing countries.

Part III focuses on issues of renewable energy and climate change. Ian Rowlands compares EU and US policy positions and performance in relation to the promotion of renewable energies in Chapter 9. The development and operation of electricity systems have major economic, social and environmental implications. Interactions between the EU and the US on renewable energy could promote sustainability. Yet, European and North American attitudes are quite different, at least at the federal level, towards the promotion of renewables. Rowland finds that regulatory action in the EU has been encouraged by climate change, the environmental effects of conventional electricity generation, energy security concerns, and energy costs. The US lags behind the EU on issues of renewable electricity although policy progress is being made in a growing number of US states.

Chapter 10 by Miranda Schreurs, Henrik Selin, and Stacy VanDeveer addresses the case of climate change. In the EU there were multiple leaders, including some Member States, the Commission, and the EP that made possible the formation of a relatively ambitious EU climate policy. In the US, advocates of climate change action were not able to form a sufficiently strong lobby to counter the opposition to climate change action that came from powerful industrial opponents. Yet, a growing number of US states and municipalities are adopting more progressive climate change policy. Expanding policy initiatives in California and the east coast in particular, suggest greater potential for transatlantic cooperation in climate change mitigation in the future.

Part IV considers issues of standard setting as they apply to export credit agencies and the forestry sector. These cases add a healthy dose of caution into generalizations that the EU always leads. In Chapter 11, Marcus Schaper examines a case where the US led: the establishment of environmental standards for export credit agencies. Export credits provide companies with financial assistance and insurance when investing in projects that are perceived as risky. There is a thin line, however, between trade distortion and government support of a company's exports. Schaper focuses on US and German responses to international negotiations within the OECD on environmental standard setting for export credit agencies as well as the international negotiations themselves.

Within the OECD, the US pushed for its higher standards to become the standards required for all OECD Member States. Schaper examines why the positions of the US, Germany, and other OECD Member States differed significantly going into the negotiations, and how those differences were overcome in the 2003 OECD agreement.

Chapter 12 by Benjamin Cashore, Graeme Auld, Deanna Newsom, and Elizabeth Egan questions the common characterization that the EU is the champion of innovative environmental policy development while the US is lagging behind. There is increasing use of non-state market driven (NSMD) governance systems in Europe and North America. Yet, the kind of NSMD system that is chosen varies depending on the place of the country/region in the global economy, the structure of the domestic forest sector, and the history of forestry on the public policy agenda. This can be seen in relation to forest certification politics in British Columbia, Canada, the US, Germany, Sweden, the United Kingdom and Finland. There is tension between supporters of global, prescriptive standards as represented initially by the Forest Stewardship Council and supporters of domestic initiated, controlled, and discretionary approaches. In this issue area, there is no clear divide between the EU and the US.

In Chapter 13, Kate O'Neill looks at the transatlantic dimensions of outbreaks of mad cow disease and avian influenza. Both the EU and the US are quite precautionary in their responses, not only at the initial, outbreak stage of a disease but also over the longer term. Yet, there are differences in institutional responses. One of the prime motivations for EU activities in this area has been to build and expand its authority as a new, supranational form of governance. The US, in contrast, has not responded to these diseases with institutional change and reform, relying on its existing configuration of agencies. O'Neill documents policy diffusion from the US to the EU in development of two new agencies: the European Food Safety Authority and the European Center for Disease Prevention and Control. The EU modeled these agencies' structures and functions on their US counterparts (the Food and Drug Administration and the US Centers for Disease Control and Prevention), adapting these models to fit the realities of EU politics.

Finally, the concluding chapter by Miranda Schreurs, Henrik Selin and Stacy VanDeveer returns to the questions raised in the introduction. Looking across the case study chapters, the conclusion finds that many of the divergent policy positions on environmental, health, energy and agricultural trade issues between the EU and the US can be explained by institutional structures and the political opportunities that they provide to actors. Important to this has been the expansion of the powers of EU institutions. As the EU has broadened its policy competencies, it has sought to strengthen its power and influence both within Europe and internationally. In the US, leading efforts in contrast have attempted to decrease the scope and reach of the federal government with substantial implications for US environmental policymaking including a shift in regulatory leadership from federal authorities to states and municipalities. As

such, some of the differences between the EU and the US are being mitigated by a range of forces, including transnational actors and sub-national policy diffusion, and international legal developments.