

Trading Places: The Role of the United States and the European Union in International Environmental Politics

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Abstract

When environmental issues emerged on the international agenda in the late 1960s and early 1970s, the United States was one of the strongest and most consistent supporters of international environmental treaties and agreements. The member states of the European Union subsequently ratified all the international treaties created in this period, but U.S. leadership was crucial and European states were laggards in many cases. Since the 1990s, the political dynamics of international environmental policy have shifted, with the European Union emerging as a global environmental leader and the United States repeatedly opposing multilateral environmental agreements. The authors argue that a “regulatory politics” model that synthesizes the effects of domestic politics and international regulatory competition provides the most powerful explanation of why the United States and European Union have “traded places” with respect to their support for international environmental agreements.

Keywords

European Union, United States, environmental policy, regulatory competition

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When environmental issues emerged on the international agenda in the late 1960s and early 1970s, the United States was one of the strongest and most consistent supporters of international environmental treaties and agreements (Sands, 1994). The United States played a leadership role in the preparations for the 1972 United Nations Conference on the Human Environment and backed the major international environmental treaties adopted during the 1970s, such as the 1972 London Convention on Dumping at Sea, the 1972 World Heritage Convention, the 1973 Convention on International Trade in Endangered Species, and the 1978 MARPOL Protocol on Pollution from Ships. The member states of the European Union subsequently ratified the international treaties created in this period, but U.S. leadership was crucial and European states were reluctant participants in many cases.¹ Again in the 1980s, the United States played a leading role in the negotiations that led to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, whereas EU member states (in particular the United Kingdom, France, and Italy) were reluctant supporters of this important international treaty.

More recently, the political dynamics of international environmental policy have shifted. As Table 1 indicates, since 1989, the United States has ratified only two important international environmental agreements, whereas 12 such agreements have been both signed and ratified by the European Union and/or its member states. Moreover, during the past two decades, the European Union has emerged as the strongest proponent of the expansion of international environmental law (Sbragia & Damro, 1999). It played a leadership role in the adoption of the 1989 Basel Convention on Hazardous Waste Disposal, the 1992 Convention on Biological Diversity (CBD), the 1997 Kyoto Protocol on Climate Change, the 2000 Cartagena Protocol on Biosafety, and the 2001 Stockholm Convention on Persistent Organic Pollutants (POPs). The United States, by contrast, has not ratified any of these international agreements. European political leaders were active and visible participants at the major United Nations environmental conferences at Rio de Janeiro in 1992 and Johannesburg in 2002, whereas the United States came under strong criticism for its opposition to new global environmental policy initiatives at both international meetings. The European Union has led efforts to “green” international trade institutions such as the World Trade Organization (WTO) and to win worldwide acceptance for a “precautionary” approach to environmental regulation, whereas the United States has largely resisted these initiatives.

This article seeks to explain why the European Union replaced the United States as the international environmental leader. Though we examine U.S. and EU positions on a number of multilateral environmental agreements over the past four decades, this is not a “large-*N*” study that treats each environmental

Table 1. U.S. and European Participation in Major International Environmental Treaties, 1970–2008

Year	Treaty	United States		European Union ^a	
		Signed	Ratified	Signed	Ratified
1971	Convention on Wetlands (RAMSAR)	X	X	X	X
1972	Stockholm Declaration	X	X	X	X
1972	London Convention on Dumping at Sea	X	X	X	X
1972	World Heritage Convention	X	X	X	X
1973	Convention on International Trade in Endangered Species	X	X	X	X
1974	International Convention for Safety of Life at Sea	X	X	X	X
1978	Convention on Prevention of Pollution from Ships	X	X	X	X
1979	Convention on Long-range Transboundary Air Pollution	X	X	X	X
1979	Convention on the Conservation of Migratory Species of Wild Animals	0	0	X	X
1982	Convention on Law of the Sea	0	0	X	X
1982	Amendments to RAMSAR Convention	X	X	X	X
1983	International Tropical Timber Agreement (ITTA)	X	X	X	X
1985	Vienna Convention for protection of the Ozone Layer	X	X	X	X
1987	Montreal Protocol on substances that deplete the ozone layer	X	X	X	X
1989	Basel Convention	X	0	X	X
1991	Convention on Environmental Impact Assessment in a Transboundary Context	X	0	X	X
1992	Climate Change Convention	X	0	X	X
1992	Biodiversity Convention	X	0	X	X
1992	Convention on Transboundary Effects of Industrial Accidents	X	0	X	X
1994	Convention to Combat Desertification	X	X	X	X

(continued)

Table 1. (continued)

Year	Treaty	United States		European Union ^a	
		Signed	Ratified	Signed	Ratified
1994	International Tropical Timber Agreement (replaces 1983 ITTA)	X	X	X	X
1997	Kyoto Protocol	X	0	X	X
1998	Rotterdam Convention on Prior Informed Consent	X	0	X	X
1998	Aarhus Convention on Information, Public Participation and Access to Justice	0	0	X	X
2000	Cartagena Protocol on Biosafety	0	0	X	X
2001	Stockholm Convention on Persistent Organic Pollutants	X	0	X	X

Source: Columbia University, Socioeconomic Data and Applications Center's Environmental Treaties and Resource Indicators database, available at <http://sedac.ciesin.columbia.edu/enri>. This list includes major environmental treaties with at least 50 signatories, thus focusing on truly international—rather than regional—treaties. The status of ratifications was updated where necessary.

a. *European Union* is used here to signify that the member states of the European Community—and, beginning in the 1990s, the European Community itself—signed and/or ratified a treaty.

treaty as an independent case. We do address the contributions of large-*N* studies but demonstrate that they cannot account for the shifts in U.S. and EU positions. We treat U.S. and EU positions on particular treaties as crucial pieces of evidence, but our focus is on the broader question of why the United States and European Union have “traded places” as leader and laggard in international environmental politics. Our focus on the European Union and the United States is a reflection of the fact that these are the only two political entities with the capacity for exercising global environmental leadership (Vig & Faure, 2004). We recognize that the concept of global environmental leadership is multifaceted (Skodvin & Andresen, 2006; Young, 1991) and that the United States has arguably maintained leadership in some areas of domestic environmental regulation (Weiner, 2004). Nevertheless, we argue that with respect to international environmental politics, a dramatic and systemic shift from U.S. to EU leadership has occurred since the early 1990s.

A “regulatory politics” model (DeSombre, 2005; Raustiala, 1997) that synthesizes the effects of domestic politics and international regulatory competition provides the most powerful explanation of why the United States and European Union have traded places in international environmental politics. Domestic politics shapes governments’ positions on questions of international environmental policy through two channels. First, and most directly, the stronger the domestic political influence of environmentalists, the more likely they will be successful in pressuring their government to support new international environmental policy agreements. Thus, just as a government’s commitment to domestic environmental policy fluctuates along with the political influence of proenvironment forces, so too will its support for international environmental policies. The second causal path is more indirect: the stronger the domestic political influence of environmentalists, the more likely that stringent domestic standards will be adopted. The existence of these more stringent domestic standards in turn reduces the economic costs (or generates positive incentives) for domestic producers to support international agreements that impose similar standards on foreign jurisdictions. Alternatively, when domestic standards are laxer, or nonexistent, the dynamics of international regulatory competition provide governments and domestic firms with a stronger interest in opposing international agreements that would impose additional burdens on them.

In the early 1970s, environmentalists wielded considerable political power in the United States, prompting the adoption of the world’s most ambitious domestic environmental regulations. With strict and costly domestic rules in place, the United States then sought to spread similar standards to other jurisdictions by taking on a leadership role in international affairs and supporting

multilateral environmental agreements (DeSombre, 2000, 2005; Hopgood, 1998; Jacobson, 2002). Meanwhile, environmentalists wielded far less power across Western Europe, and European regulations were generally less stringent than those established in the United States (Vogel, 2003). Governments of EU member states did eventually sign on to the treaties proposed in this period, but they did not play a leadership role and in some cases worked to impede or weaken them.² The European Union, as an actor in its own right, was only beginning to play an active role in environmental regulation—within Europe or internationally.

Since around 1990, the United States and European Union have traded places. Environmentalists have wielded substantial influence within the European Union, and the European Union has adopted many environmental regulations that are among the world's strictest and most ambitious. As a result, it became in both the political and the competitive interests of the European Union to support expanding the scope of international environmental governance. Meanwhile, the power of environmentalists in the United States had waned: The development of major domestic environmental policy initiatives slowed down significantly after 1990. With fewer new domestic regulations being adopted, it was no longer in the competitive interest of the United States to take on a leadership role in international environmental affairs; rather, it was now more likely to be in the competitive interests of the United States to oppose the spread of environmental regulations championed by the European Union.

This article builds on and adds to the literature on international environmental politics in several ways. Vogel (2003) and Vig and Faure (2004) have explored the extent to which the United States and European Union have traded places with respect to environmental stringency, but their focus was primarily on domestic standards. We build on their work by exploring the international dimensions of the "trading places" argument, explaining how shifts in domestic policy encouraged a shift in positions on international environmental policy. We also build on the work of authors (cited below) who have studied U.S. and EU positions on particular environmental treaties or have examined EU or U.S. international environmental policy in isolation. We place such case studies in an integrated framework, highlighting the common causal processes that underlay and link the profound shift in U.S. and EU positions in the international environmental arena across a range of issue areas.

We begin by showing that the leading arguments in the literature on state support for international environmental treaties, based on large-*N* studies that focus on variations in wealth and postmaterialist values (Recchia, 2002; Roberts, 1996; Roberts, Parks, & Vásquez, 2004), economic and environmental cost-benefit analysis (Sprinz & Vaahoranta, 1994), and "participation in world

society” (Frank, 1999) do not offer a convincing explanation as to why the United States and European Union have traded places. We also demonstrate that explanations based on increasing U.S. aversion to and increasing EU support for multilateralism fail to provide a convincing account of U.S. and EU positions on environmental treaties. We then present a regulatory politics explanation for the transatlantic shift in policy on multilateral environmental agreements.

Leading Theoretical Approaches

There have been a number of efforts to explain national responses to international environmental agreements. One set of arguments focuses on a combination of wealth and postmaterialist values. The logic here is that increases in wealth encourage the spread of postmaterialist values, which inspire greater public support for environmental protection. This diffuse public support is in turn translated into a greater propensity to ratify international environmental treaties. Roberts’s (1996) large-*N*, cross-national study emphasizes that wealthier countries ratify more treaties, whereas Recchia’s (2002) study of advanced democracies posits that the prevalence of postmaterialist values in the population is a powerful predictor of treaty ratification. Greater wealth and higher growth rates are clearly associated with increases in environmental concern, and the development of postmaterialist values may play an important role as an intervening variable (Franzen, 2003; Scruggs, 2003, pp. 83-106). In large-*N* studies encompassing both developed and developing countries, differences in wealth and postmaterialism provide a powerful explanation for variations in environmental treaty ratification. However, in comparing the United States and European Union, such differences do not explain shifting positions on international environmental policy.

To the contrary, the wealth and postmaterialism argument predicts that the United States would have remained the environmental leader, further outstripping the European Union in its international commitments. U.S. economic growth outpaced EU growth in the 1980s and pulled further ahead in the 1990s (Organisation for Economic Co-operation and Development, 2003), leading one to expect that the United States should have become more supportive of international environmental agreements. As for postmaterialist values, although Recchia (2002) finds a statistically significant correlation between postmaterialism and support for international environmental treaties in his study of 19 democracies, he measures postmaterialist values at only one point in time, namely 1992, and thus is unable to capture the impact of changes in these values over time. Looking at the impact of value change, the United

States experienced greater gains in its levels of postmaterialist values than most EU member states during the 1980s and early 1990s, the very period when the United States surrendered leadership on international environmental policy to the European Union (Inglehart, 1995; Scruggs, 2003, p. 106).³ Strong U.S. economic growth and increased support for postmaterialist values clearly have not translated into stronger support for international environmental agreements.

Sociologists working in the social constructivist tradition have argued that national support for international environmental treaties is constructed by world society. This world society argument posits that national policy preferences are not determined by domestic interests but are shaped by a “world environmental regime” (Meyer et al., 1997) that constructs national preferences. According to this perspective, states seek to “enact” legitimate behaviors expected of them, which in the area of environmental policy includes ratifying international treaties (Frank, 1999, pp. 527-529). Frank (1999, p. 534) finds that states with the densest linkages to world society, measured in terms of memberships in international nongovernmental associations, “ratify significantly more environmental treaties.” But this approach cannot explain the central issue this article addresses, as its independent variables do not distinguish the United States from the European Union or its member states. For in terms of the variables Frank and Meyer et al. employ, both the United States and EU member states are “deeply embedded” in world society.

Sprinz and Vahtoranta (1994) propose an interest-based explanation of international environmental policy that focuses on an economic and environmental cost-benefit analysis. Their analysis posits that a nation’s stance on international environmental agreements is affected by public perceptions of a nation’s environmental and economic interests. However, their definition of national interests, which combines indicators of ecological vulnerability with abatement costs, is problematic in important respects. In the case of many environmental agreements, the degree of ecologically vulnerability is politically constructed rather than objectively determined (Beck, 1992). For example, in the case of biodiversity, Europeans clearly perceived themselves to be more vulnerable than did Americans, given the proximity of their population centers to areas of agricultural production. But this perception assumes what has been most contested, namely, whether or not agricultural biotechnology poses an ecological risk. In the case of climate change, there is too much scientific uncertainty surrounding its environmental impact to determine whether Europeans or Americans are more “vulnerable.” Also, as Sprinz and Vahtoranta (1994, p. 105) admit, abatement costs may be shaped by international trade—first movers on abatement may, for instance, recoup costs by subsequently exporting abatement technology.

Even taken on its own parsimonious terms, the Sprinz and Vaahutoranta (1994) argument fails to explain crucial differences in U.S. and European positions on one of the central cases in their study, namely the adoption of international treaty phasing out chlorofluorocarbons (CFCs). They define a nation's interest in two ways: its "ecological vulnerability" to ultraviolet radiation—measured by its rate of skin cancer—and its relative abatement costs—measured by its intensity of CFC consumption. These two variables prove to be statistically significant. Thus, nations that both had higher rates of skin cancer (higher ecological vulnerability) and were less dependent on CFC production (lower abatement costs) were more likely to support the Montreal Protocol. However, their analysis struggles to explain U.S. and European positions. American abatement costs were substantially higher than those of any European country. Nevertheless, the United States was the strongest proponent of an international agreement to combat ozone depletion, whereas countries such as the United Kingdom, France, Germany, and Italy were reluctant participants.

Finally, many scholars of U.S. and EU foreign policy have suggested that U.S. and EU positions on international environmental issues are determined not primarily by concerns specific to the environmental policy arena but rather by the U.S. growing unilateralism and the EU corresponding embrace of multilateralism (Ikenberry, 2003; Kagan, 2003). From this perspective, recent U.S. opposition to international environmental treaties represents another manifestation of its defense of national sovereignty and increasing unwillingness to support multilateral treaties. There is ample evidence that the United States has become less supportive of multilateral treaties in the post-cold war era (Malone & Foong Khong, 2003; Prestowitz, 2003). The United States, which had championed multilateralism throughout much of the cold war, has refused to sign and/or ratify a wide range of international conventions during the past decade, including the Rome Statute of the International Criminal Court, the UN Convention on the Rights of the Child, the Anti-personnel Land Mine Treaty, and the Comprehensive Nuclear Test Ban Treaty. In each of these cases, the United States was among a small number of nations that have not signed or ratified these agreements. The one prominent exception to this trend involves the area of trade liberalization, where the United States has continued to support multilateral agreements such as WTO and NAFTA. Significantly, the latter agreement did incorporate modest environmental provisions, as have some bilateral trade agreements the United States has entered into, including with Jordan and Chile.

But if U.S. opposition to multilateral environmental treaties in the 1990s stemmed primarily from growing unilateralism, then we would expect the United States to continue to pursue its environmental goals at the international

level through unilateral means, such as trade restrictions or sanctions, or in international legal settings which it could control. And in fact, it has done so to a limited extent (Kormos, Grosko, & Mittermeier, 2001). For example, in 1992 Congress passed the High Seas Driftnet Fisheries Enforcement Act, which allowed the United States to restrict imports of fish products from states engaged in driftnet fishing or related trade (DeSombre, 2000, p. 121). Similarly, between 1991 and 1999, the United States prohibited imports of shrimp into the United States from one or more countries each year, acting to enforce a 1989 law (Section 609, Pub. L. No. 101-162) that forbids nations from selling their shrimp in the United States if they have not enacted legislation that adequately protects sea turtles. In 1996, when Thailand, Malaysia, India, and Pakistan challenged American efforts to “export” its turtle protection standards, the Bush administration strongly defended the U.S. position before the WTO and expressed considerable satisfaction when the American sanctions were subsequently upheld. Although the United States has continually failed to ratify the 1989 Basel Convention on transboundary movement and disposal of hazardous waste, it has imposed its own prior informed consent regime for exports of hazardous wastes since 1984 (Choksi, 2001).⁴ More recently, in an effort to discourage the slaughter of dogs and cats for the international fur trade, the United States enacted the Dog and Cat Protection Act of 2000, which prohibited the import of products made from dog or cat fur.

But although the United States has taken some unilateral steps to expand international environmental protection, such efforts have been limited in scope and intensity. They by no means amount to the sort of full-fledged effort to pursue environmental protection through unilateral means that one would expect if U.S. foreign policy were committed to international environmental protection but simply averse to multilateral approaches. In the critical case of global climate change, the United States has not only refused to sign an international treaty with binding commitments but also been unwilling to impose any legally binding reductions on carbon emissions. Similarly, U.S. domestic regulations governing international trade in agricultural biotechnology are far weaker than those of the European Union. Growing unilateralism may help explain American willingness not to follow the European Union’s lead with respect to a number of recent multilateral environmental agreements, but growing unilateralism does not by itself explain recent U.S. policy.⁵

The notion that EU support for international environmental treaties is rooted, at least in part, in its more general commitment to multilateralism has considerable plausibility. Since the 1970s, scholars have argued that in light of the European Union’s limited military capacity and the intractable divisions among member states on security issues, the European Union focuses

on asserting itself as a “civilian power” in areas, including the environment, where it does have some capacity to act (Duchêne, 1972). In a related argument, Manners (2002) suggests that, to carve out an identity and a higher profile for itself on the world stage, the European Union has attempted to project its “normative power” by diffusing a series of norms around the world, including sustainable development. In projecting its civilian or normative power, the European Union has consistently emphasized a commitment to multilateralism (Farrell, 2007).

By the early 1990s, a series of treaty amendments, directives, and European Court of Justice (ECJ) decisions had enhanced the capacity of the European Union act on behalf of its member states in international environmental negotiations, thereby strengthening its ability to play a global leadership role (Jupille & Caporaso, 1998; Sbragia & Hildebrand, 2000). The European Union quickly put this power to use at the 1992 Rio Summit, and since then it has consistently backed multilateral environmental treaties and has clearly tried to establish a reputation as a leader in multilateral environmental governance. Some scholars have explained this behavior as a result of the European Union’s commitment to multilateralism or of the European Union’s desire to develop an identity as a civilian power (Scheipers & Sicurelli, 2007; Vogler & Stephan, 2007). Although these arguments have some explanatory power, they pay inadequate attention to the role of economic interests. We argue that an account rooted in political economy—focusing on the interaction between domestic politics and international regulatory competition—provides a more powerful explanation for the emergence of EU environmental leadership.

A Regulatory Politics Approach

The regulatory politics approach suggests that a state’s (or, in the case of the European Union, a supranational polity’s) support for international environmental agreements is a function of the relative political strength of environmental advocates and associated changes in the economic interests of domestic producers. Shifts between the 1970s and the 1990s in the domestic politics of environmental regulation and associated shifts in how international environmental agreements were likely to affect domestic producers explain why the United States and the European Union “traded places” in international environmental politics. From the early 1970s to the start of the 1990s, the regulatory politics surrounding environmental issues in the United States were conducive to U.S. leadership on international environmental agreements, whereas those in Europe were less propitious. By contrast, from the early 1990s onward, regulatory politics in the European Union encouraged it to champion a series

of international environmental agreements, whereas domestic policy conditions in the United States led it to adopt a more obstructionist stance.

Domestic Politics

Shifts in domestic politics in both the United States and the European Union have played a critical role in shaping their respective positions on international environmental agreements. From the late 1960s through around 1990, advocates of environmental regulation typically exercised considerable political influence in the United States. Republican Presidents Richard Nixon and Gerald Ford and a Democrat-controlled Congress responded to the political strength of green lobbies and their supporters by enacting a wide range of new regulatory statutes between 1969 and 1976. Partisan competition was a vital spur to these initiatives, as Republicans and Democrats competed for the environmental vote (Jones, 1975, pp. 175-210). Important regulatory statutes adopted during this period include the National Environmental Policy Act of 1969, the Clean Air Act Amendments of 1970, the Federal Environmental Pesticide Control Act, the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1972, the Toxic Substance Control Act of 1976, and the Resource Conservation and Recovery Acts of 1976. Although Republican legislators became less supportive of environmental regulation toward the end of the 1970s, Democratic President Jimmy Carter and the Democratic congressional majority, working closely with an increasingly sophisticated and influential environmental lobby, enacted the Clean Air and Clean Water Act Amendments of 1977 and "Superfund" in 1980.

Although President Ronald Reagan initially tried to reduce the burdens of environmental regulation on industry, he was rapidly forced to abandon these efforts as public interest in and support for environmental protection steadily increased during the 1980s. Although the rate of regulatory expansion was less than during the previous decade, Congress nonetheless expanded the Resource Conservation and Recovery Act by adopting the Hazardous and Solid Waste Amendments of 1984, reauthorized Superfund in 1986, and enacted the Global Climate Protection Act in 1987 and the Ocean Dumping Ban Act of 1988. Public concern about environmental quality increased steadily during the second half of the 1980s, reaching levels toward the end of the decade that were comparable to if not greater than those in the early 1970s (Dunlap & Scarce, 1991). In response to the heightened political salience of environmental concerns, 1988 Republican presidential candidate George Bush sought to distance himself from Ronald Reagan's antienvironmental reputation by campaigning on a strong environmental platform. Once elected,

he worked with a Democratic Congress to secure enactment of the Clean Air Act Amendments of 1990. This legislation addressed two important international environmental issues: It phased out the use of CFCs and other ozone-depleting chemicals and reduced emissions that contributed to transboundary acid rain deposition (affecting Canada).

The international environmental leadership role played by the United States during the 1970s and 1980s was consistent with the pattern of American domestic policies. American environmental standards were typically more innovative and stringent than in any industrial nation, and the United States played a similar leadership role at the international level. This linkage can be seen, for example, in the case of U.S. policy on ozone-depleting chemicals. During the mid 1970s, the Environmental Protection Agency responded to strong domestic concerns about ozone depletion and prohibited the use of CFCs as aerosol propellants for nonessential applications, a decision that affected nearly \$3 billion worth of domestic products (Benedick, 1991). In 1977, Congress approved additional restrictions on CFCs, which essentially banned their use as an aerosol. The United States began to pressure European chemical producers to adopt similar restrictions; they gradually did so, though their regulations remained less stringent than those of the United States. Eventually American pressure led to the adoption of the Montreal Protocol in 1987, which brought European and American restrictions in rough alignment (DeSombre, 2000).

After 1990, both domestic and international environmental politics of the United States began to shift (Hopgood, 1998, pp. 153, 202). Frustrated by the lack of support from the environmentalists for its environmental policy initiatives and facing strong criticism from the business community for the expansion of government regulation that had occurred during the first 2 years of his administration, Bush became much less willing to support any new environmental regulations. In the president's 1992 State of the Union address, he declared a 90-day moratorium on any new business regulations. At the 1992 Earth Summit in Rio, the United States did agree to sign a Convention on Global Climate Change, but only after it was weakened to eliminate binding targets. The United States refused to sign the CBD, marking one of the very first times the United States had not supported an international environmental agreement.

The weakened political influence of environmental lobbies in the United States became even more apparent after the election of Bill Clinton in 1992. Clinton proposed to Congress a number of important environmental policies, including the raising of livestock grazing fees, the imposition of new royalties and environmental standards on mining companies, an energy tax, and an

overhaul of Superfund. He also signed the CBD and submitted it to the Senate for ratification, though he did add language that sought to protect intellectual property rights for American firms. But although the Democrats had retained their majorities in both chambers, the 103rd Congress rejected virtually every one of the administration's legislative proposals—including the ratification of the CBD. Environmentalists who hoped that unified Democratic control of Congress and the executive would lead to legislative breakthroughs were sorely disappointed. As Carl Pope, executive director of the Sierra Club, put it, "The 103rd Congress ended its term with the worst environmental record of any Congress in recent memory" (Pope, 1995).

The Republican capture of both houses of Congress in the 1994 midterm elections further reduced the likelihood of new environmental regulation. Although environmental issues did not play a critical role in the Republican triumph and the word *environment* did not appear in the Contract with America, the new Republican congressional majority was much less sympathetic to environmental concerns than many important Republican legislators had been two decades earlier. In the early 1970s, Democrats in both houses supported on average approximately 20% more environmental measures than did Republicans. By the mid-1990s, this discrepancy more than tripled. In 1995, Senate Democrats supported 89% of environmental measures, whereas Republicans supported only 11%. In the same year, House Democrats supported 76% of environmental measures, whereas House Republicans supported only 15% (Dunlap, Xiao, & McCright, 2001, pp. 28-30). In light of this gaping partisan divide, Dunlap et al. (2001) justifiably conclude that "the Democrats have become the 'environmental party,' and the Republicans the 'anti-environmental party'" (p. 30).

Although partisan competition had encouraged both domestic and international policy initiatives in the 1970s, the Republican Party's strong opposition to environmental regulation in the 1990s blocked initiatives at both levels. Between 1993 and 2000, Congress enacted only two important new protective regulatory statutes: the Safe Drinking Water Act Amendments and the Food Quality Protection Act, both approved in 1996. Yet the antigreen preferences of the Republicans in Congress were not the only factor in the dramatic slowdown in the rate of expansion of environmental regulation that occurred after 1994. Public pressure for regulatory expansion had also declined. Although public opinion surveys revealed a steady increase in public concern with environmental quality from the early 1980s through around 1990, beginning in the early 1990s the public became more satisfied with the nation's regulatory efforts (Guber, 2003, pp. 57-60). According to a 1993 survey, 52% of Americans expressed satisfaction with the nation's current environmental efforts; by

1999, this figure had increased to two thirds. The percentage of those seeing a “great deal” of progress in addressing environmental issues rose from 14% in 1990 to 24% in 1995 to 36% in 1999 (Saad, 1999). Equally strikingly, the number of Americans who ranked the “pollution of air and water” as among the most important issues that concerned them, after peaking at 23% in 1991, steadily declined to only 12% in 1994 (Ladd & Bowman, 1995, p. 19). In 1995, only 5% of those questioned ranked the environment as among the nation’s first or second most pressing problem (Morin, 1995). These attitudes help explain why the Clinton administration was unable to muster sufficient public support to pressure Congress to enact new environmental laws—including the restrictions on carbon emissions proposed by the Kyoto Protocol. Essentially, the American electorate had become satisfied with the regulatory status quo.

The George W. Bush administration, which took office in 2001, like the Republican Party in Congress, was opposed to imposing new environmental requirements on business. The White House offered no legislation strengthening domestic environmental standards and issued a number of administrative rulings that weakened either existing standards or their enforcement (Barringer, 2004). Although survey data since 2000 do suggest an increase in public dissatisfaction with the regulatory status quo, clearly this was not sufficient to affect public policy (Saad, 2005, 2006). Nor did environmental issues again become politically salient in the first half of the 2000s. Significantly, in the 2000 presidential election, Democratic candidate Al Gore did not campaign on a green platform notwithstanding his long-standing concern with environmental issues, and in the 2004 election Democratic candidate John Kerry promised no new environmental initiatives.

The Bush administration’s policy preferences were echoed at the international level, most visibly through its stance on international efforts to address climate change. Although the Clinton administration had signed the Kyoto Protocol, though it had never formally submitted it to Congress, the Bush administration broke off American participation in international negotiations on climate change and announced that it was opposed to any legally binding restrictions on carbon emissions. In 2007, when the Bush administration finally proposed a framework for international action on climate change after 2012, critics dismissed it as a ruse, noting that Bush’s proposed voluntary approach would likely undermine EU efforts to secure binding emissions cuts through a UN framework (Cornwell, 2007).

Although the influence of environmental lobbies in the United States steadily weakened beginning in the early 1990s, the opposite occurred in Europe. Mass environmental movements emerged across Western Europe in

the 1970s, shortly after the United States environmental movement took shape. As in the United States, governments across Western Europe responded by establishing new pollution control laws. However, their laws were generally less stringent and less ambitious than those established in the United States (Vogel, 2003), and the salience of environmental issues declined in the late 1970s in the wake of the oil shocks.

After declining in the late 1970s, the influence of proenvironment forces strengthened steadily from the early 1980s onward. Mounting concern over “forest death” caused by acid rain in the early 1980s, concern over fallout from the 1986 Chernobyl nuclear disaster, and revelations regarding the “hole” in the ozone layer in the mid-1980s all heightened the political salience of environmental issues across Europe and highlighted their transboundary dimensions. By the late 1980s, Eurobarometer surveys found the environment to be among one of the top-ranking political issues in all EU member states, with an average of 77.6% of citizens in 1989 viewing environmental problems as “very serious” (as compared to 56.9% in 1978; Hofrichter & Reif, 1990). Seeking to appeal to this heightened public concern, governments in a number of member states supported a wide range of more stringent domestic standards and strengthened their commitments to more international environmental cooperation.

Government sensitivity to these shifts in public opinion was heightened by the emergence of green parties. Given the opportunities for the emergence of small parties provided by most European electoral systems (particularly those that use proportional representation), environmental activists in Europe became involved in electoral politics in the 1980s. First in Germany in 1983 and later in a number of countries including Sweden, France, and Belgium, green parties emerged as a political force and raised the profile of environmental issues in national political debates (Mair, 2001). Initially on the fringes of politics, these parties became more mainstream during the 1990s and entered national coalition governments along with social democrats in some member states, most prominently Germany. At the end of the 1990s, green parties were represented in the national parliaments of 11 of the 15 EU member states and in the European Parliament (EP; Vogel, 2003). Thus, just as the political influence of environmentalists was declining in the United States, it was increasing across much of Europe.

The influence of proenvironment forces at the national level was magnified by the dynamics of regulatory politics at the EU level. Both the political incentives of EU institutions and regulatory competition among EU member states encouraged the European Union to adopt stringent, common environmental standards. The European Commission and the EP had strong incentives

for the European Union to take on a more active role in strengthening European regulatory standards. By the early 1970s, the European Union had made great progress toward establishing a common market by eliminating tariffs. As some member state governments began to adopt more stringent environmental standards in the 1970s and 1980s, these threatened to create “nontariff barriers” that would fracture the common market. The commission and EP thus sought to “harmonize” standards to protect the single market. Also, given the great public concern over environmental issues, they believed that championing a strong environmental policy would increase the European Union’s legitimacy. The EP, whose role in EU policy making was progressively strengthened, became a champion of diffuse public interest causes such as environmental protection (Pollack, 1997).

The commission and EP found strong supporters among the greenest member states—the Netherlands, Denmark, and, above all, Germany. These states were concerned that their strict standards would put them at a competitive disadvantage vis-à-vis laxer member states and viewed the European Union as a forum through which they could export their strict standards to the laggards. They backed the commission’s harmonization proposals and demanded that the European Union adopt more stringent environmental policies (Vogel, 2003). ECJ rulings from 1991 onward and revisions made in the Maastricht Treaty shifted the decision-making rule for environmental measures from unanimity to qualified majority voting, helping the powerful green states to overcome opposition from laggards (Jupille, 1999). After the accession of Sweden, Austria, and Finland in 1995, the bloc of green governments in the Council of Ministers became stronger.

As a result both of domestic electoral dynamics in member states with strong green preferences and of EU policy making dynamics, European environmental policy dramatically expanded and increasingly adopted more stringent standards, a dynamic that began in the late 1980s and accelerated in the 1990s. On issues ranging from genetically modified organisms (GMOs), to electronics recycling, to hazardous waste management, to greenhouse gas emissions, to chemical product safety, the European Union has adopted many of the world’s strictest, most ambitious standards (Vogel, 2003). This shift provides the starting point for explaining why EU member states and the European Union itself, which had lagged somewhat behind the United States during the 1970s, became increasingly vocal supporters of international environmental policy in the 1990s. National governments seeking to appeal to their increasingly powerful environmental constituencies and the European Union trying to establish its democratic legitimacy with a proenvironment European public were eager to demonstrate their commitment to the environment

on the world stage. These dynamics provided the political underpinning of the European Union's consistent support for new international environmental treaties in the 1990s, from the Kyoto Protocol, to the Basel Convention (and Ban Amendment), to the CBD and Cartagena Biosafety Protocol (see, e.g., Schreurs & Tiberghien, 2007).

The shifting EU and U.S. positions on the international stage have their roots in dramatic changes in domestic environmental politics. In short, domestic environmental politics on each side of the Atlantic have moved along divergent paths (Vig & Faure, 2004, p. 1). Although U.S. domestic politics had stimulated ambitious environmental initiatives in the 1970s and 1980s, the development of major new domestic initiatives slowed significantly after 1990. By contrast, in the European Union domestic support for environmental policy increased in the 1990s, and the European Union's growing regulatory competence stimulated further advances in "domestic" environmental policies.

Regulatory Competition

Government support for international environmental agreements is also shaped by how such agreements affect the competitive position of domestic producers. That competitive impact, however, itself depends on the context of domestic environmental politics. In other words, the economic interests of business are themselves shaped by domestic politics. The more powerful the influence of domestic green pressure groups or parties, the more stringent domestic regulatory standards are likely to become, and therefore the more likely domestic firms will support comparable international standards to create a level playing field. In some cases, firms may act reactively, seeking to export to other jurisdictions a standard they have adapted to in their home jurisdiction. In other cases, they may act proactively, recognizing the inevitability of stricter standards domestically, and may push for an international agreement that would simultaneously impose similar standards on foreign competitors. When domestic standards on an issue are strict or promise to become stricter, producers are less likely to oppose relevant international treaties and are more likely to join environmentalists in Baptist-bootlegger-style coalitions to advocate them. By contrast, when domestic regulatory standards are weak, they are more likely to oppose new international environmental agreements.

Turning first to the United States, its environmental standards were generally the world's strictest from the early 1970s through the early 1990s, and it had a strong incentive to see other countries adopt similar standards. Nixon administration officials were concerned that the establishment of strict

standards in the United States could put American industry at a disadvantage vis-à-vis foreign competitors, and they hoped to level the regulatory playing field internationally. As Russell Train, head of Nixon's Council on Environmental Quality, put it in an internal White House memo, "It is in the United States competitive interest to have other nations raise environmental standards (and thus their production costs) and strengthen their enforcement of those standards."⁶ Second, the spread of American-style standards promised to provide markets for exports of U.S. pollution control technologies that were being developed to respond to domestic regulation. Thus, in the 1970s, many leaders of both parties saw that by promoting U.S. leadership in international environmental politics they could gain support from environmentalists, work to level the international playing field for U.S. industry, and potentially secure economic benefits through the export of U.S. pollution abatement technology (Hopgood, 1998; Jacobson, 2002; Porter, 1990).

From a regulatory competition perspective, the European Union's interests have been the inverse of those of the United States. As noted above, EU states lagged behind the United States in environmental regulation in the 1970s but gradually caught up and in many areas surpassed it beginning in the late 1980s. Throughout the 1990s and continuing into the 21st century, as the flow of new environmental policies in the United States slowed, the European Union continued to adopt stringent standards in a number of areas including waste management, control of GMOs, and greenhouse gas emissions. The regulatory competition perspective suggests that although many European governments might have been reluctant to adopt substantive commitments in the 1970s, by the 1990s they would have been eager to export stringent EU standards to as many foreign jurisdictions as possible.

We can observe the dynamics generated by regulatory competition between the United States and the European Union in a number of issue areas including international agreements concerning ozone depletion, biological diversity, climate change, and POPs. In the case of the Montreal Protocol on ozone-depleting substances, U.S. and EU economic interests were clearly at odds. This agreement was in the economic interest of the major American producer of CFCs, namely DuPont, because domestic regulatory policies and pressures beginning in the 1970s had imposed more restrictions on DuPont than had been imposed on its European competitors. U.S. industry already faced costs that its EU counterparts did not, and given ongoing concern over CFCs in the United States, DuPont and other U.S. manufacturers, represented by an industry group, the Alliance for Responsible CFC Policy, saw further restrictions on CFCs in the United States as inevitable. Because they did not want to be put at a disadvantage vis-à-vis foreign competitors, they supported

international regulation of CFCs during the 1986 Montreal Protocol negotiations (Falkner, 2001). International regulation promised not only to level the playing field but also to create export opportunities: As a result of prior domestic regulation of CFCs, DuPont had experience in developing substitutes for some CFC uses, and DuPont and other U.S. manufacturers saw the potential to take a lead in developing and exporting a range of substitute substances and technologies (DeSombre, 2001, p. 58). By contrast, an international phaseout of ozone-depleting chemicals disadvantaged European producers who had not developed CFC substitutes in part because they had previously faced weaker domestic restrictions on them.

Regulatory competition also helps explain EU support for and U.S. opposition to the 2000 Cartagena Protocol on Biosafety, an agreement adopted within the framework of the 1992 CBD.⁷ The European Union championed the Cartagena Protocol in an effort to “internationalize” its approach to GMO regulation. In the 1990s, in response to mounting health, consumer safety, and environmental concerns in Europe, the European Union established a stringent regulatory regime for the authorization and labeling of GMOs (Pollack & Shaffer, 2005). The Cartagena Protocol made it easier for countries to block imports of genetically modified seeds and crops, in part by allowing countries to invoke the “precautionary principle” as a justification to restrict imports. As domestic regulatory restrictions and strong consumer resistance to genetically modified foodstuffs had both discouraged European farmers from planting GM crops and significantly reduced investments in GM seeds by European agricultural biotechnology firms, European commercial interests had little to lose from an international treaty restricting trade in GMOs, while they stood to gain if such trade restrictions raised costs for their American competitors or reduced foreign demand for their genetically modified agricultural seeds and foods products. U.S. firms, by contrast, stood to lose a great deal from the Cartagena Protocol. In the 1990s, concerns over biotechnology were far less salient in the United States than in the European Union, and the U.S. government adopted a far more lax approach to the regulation of GMOs. Operating within the supportive U.S. regulatory environment, American firms became major producers and exporters of GM crops and seeds. By making it easier for countries to exclude such products, the Cartagena Protocol would disadvantage both U.S. farmers and biotechnology producers, and they successfully pressed the U.S. government to oppose the protocol (Bernauer, 2003; Schreurs, 2005).

Similarly, the dynamics of regulatory competition have encouraged the European Union to assume a leadership role, and the United States a laggard position, with respect to global climate change. Faced with no domestic

regulatory pressures to reduce their carbon emissions, it was in the economic interests of American industry to oppose an international agreement that would require them to do so. By contrast, confronted with substantial domestic political pressures to reduce greenhouse gas emissions, it was in the interests of European producers to favor an international agreement so that restrictions would also be placed on their American competitors.

The 1992 Framework Convention on Climate Change did not set out binding targets for reductions in greenhouse gas emissions, but it did call on signatories to take steps to reduce emissions. Although the United States signed the climate change convention, it failed to adopt any significant domestic legislation to address climate change. U.S. recalcitrance cannot be attributed only to Republican intransigence: The overwhelming majority of members of Congress from both parties have opposed policies that would restrict greenhouse gas emissions by raising fuel costs. Shortly after coming into office, the Clinton administration proposed the introduction of a BTU (British thermal unit) tax as a way to encourage energy conservation and to meet the nonbinding greenhouse gas emission reduction targets set out in the 1992 UN Framework Convention on Climate Change. This proposal was defeated by strong bipartisan resistance in the House, as opponents emphasized that the tax would damage the competitiveness of U.S. industry (Zarsky, 1997).

The 1997 Kyoto Protocol, which required binding reductions in greenhouse gas emissions, threatened to impose far greater costs on the United States than on its trading partners. The Kyoto Protocol called for using 1990 as a baseline year against which reductions in emissions would be measured and called for similar reductions from the European Union (8%) and the United States (7%) by 2012. However, the United States had experienced faster economic growth than the European Union in the 1990s, and a number of EU member states had reduced their CO₂ emissions for idiosyncratic reasons (e.g., the U.K. switch from coal to gas and Germany's closing of inefficient East German plants). As a result, by the time Kyoto was signed in 1997, the United States would have had to reduce emissions by 30% to 35% from the levels projected for 2012 to meet the Kyoto target, whereas the European Union needed to make cuts of only 15% to 20% (Yandle & Buck, 2002). The United States was also concerned about the impact of Kyoto on its competitiveness vis-à-vis developing countries such as China, given that the Kyoto talks were premised on exempting developing countries from any binding reductions in emissions. The Senate signaled its concern over this issue just months before the start of the Kyoto negotiations by adopting the Byrd-Hagel resolution by 95 to 0, declaring that it would not support any global warming treaty that did not impose mandatory reductions on developing

countries as well as developed countries. Though congressional preferences did not prevent the Clinton administration from signing the Kyoto Protocol, ongoing Senate resistance blocked any prospect of ratification.

In the case of global climate change, the interests of American firms were both a cause and an effect of the American domestic politics. In principle, the issue of global climate change could have become as politically salient in America as in Europe, and thus it would have been in the interests of American firms to have supported for the Kyoto Protocol with its terms presumably renegotiated to make them more compatible with American economic interests. However, absent any significant pressure for domestic regulation of greenhouse gas emissions, U.S. industry had no incentive to support U.S. participation in an international regulatory framework.⁸

By contrast, the intersection of domestic politics and regulatory competition has encouraged the European Union to take on a leadership role in addressing climate change. As awareness of the threat posed by climate change mounted during the 1990s, domestic political pressure for action to curb greenhouse gases mounted in Europe. The calculus for European policy makers was clear: Given that voters would in any case demand EU action on climate change, it was preferable to promote action at an international level that would force the European Union's competitors to undertake costly measures as well. Indeed, some have argued that because the European Union has high energy taxes, which put it at a competitive disadvantage relative to the United States, it hoped to use international climate change commitments to pressure the United States to raise its energy taxes (Yandle & Buck, 2002, p. 197). Prior to the Rio Earth Summit, the European Commission did push for industrialized nations to adopt an energy tax, and its interest in having other jurisdictions introduce higher energy taxes may have been a motivation for the early EU position on climate change. As noted above, the costs of implementing the Kyoto Protocol promised to be far less for the European Union than for the United States. Also, the European Union initially resisted U.S. efforts to use tradable permits and sinks as ways to meet its obligations under Kyoto. Though they later acquiesced and supported the use of such "flexible mechanisms," EU leaders had long argued that developed countries needed to demonstrate their commitment to reducing their emissions by making actual domestic cutbacks rather than by financing emission reductions or carbon sinks in the developing world. Some observers contend that this EU position was motivated by the fact that EU leaders "wanted Americans to feel some economic pain more than they wanted a workable agreement" ("Oh No," 2001, p. 23).

We do not claim that that the European Union's support for Kyoto was primarily motivated by its interest in raising energy costs for competitors.

Indeed, Kyoto imposed far greater costs on the European Union than on developing countries, and Kyoto commitments forced the European Union to undertake far more costly measures than it had already undertaken. Rather, we argue that because the domestic political pressures would in any case have driven the European Union to act on greenhouse gas emissions, EU leaders clearly preferred to press other states to join them in the fight against climate change—though the fact that the costs of complying with Kyoto promised to be less for the European Union than for some other jurisdictions certainly made the agreement more palatable.

Finally, the regulatory competition perspective also helps explain U.S. and EU positions on the 2001 Stockholm Convention on Persistent Organic Pollutants, the one significant international environmental agreement that the Bush administration endorsed and submitted to the Senate for ratification. This treaty contains two major provisions: First, it either bans or phases out the production of 12 POPs—toxic chemicals including DDT, dioxin, and PCBs—which have been linked with cancer, reproductive failure, and birth defects. Second, it establishes a mechanism for signatories to agree on adding new POPs to the elimination list.

Regulatory competition concerns explain both why the Bush administration signed the 2001 treaty banning the initial “dirty dozen” chemicals and why concerns over the provisions for adding new chemicals to the list have prevented Senate ratification of the treaty. The Bush administration’s support for the Stockholm Convention does not reflect the current political strength of green pressure groups in the United States. Rather, it largely stems from the fact that the chemicals banned by the Stockholm Convention were either already banned in the United States or had not been produced in the United States for years, in part because of previous domestic environmental pressures in the 1970s and 1980s. Accordingly, the convention imposed no new costs or regulatory burdens on U.S. firms and promised to help spread U.S. standards internationally (George, 2001). However, the convention also created mechanisms for adding other POPs to the list for elimination, which the United States has opposed. For by the time the Stockholm Convention was negotiated, there was little pressure for further domestic regulations on POPs. Therefore, it was in the economic interest of U.S. industry to oppose any international commitments that might expose the United States to costly new regulations. In 2000, Clinton administration negotiators secured an “opt-in” safeguard, ensuring that signatory states would have to regulate POPs added to convention only if they voluntarily “opted in” to doing so. Nevertheless, fear that the Stockholm Convention could generate pressure for the United States to adopt new regulations in the future has prevented the Senate from

ratifying the treaty. Before the Senate can give its necessary “advice and consent” on the treaty, Congress must adopt amendments to domestic legislation (the Toxic Substances Control Act and Federal Insecticide, Fungicide, and Rodenticide Act). However, progress on the amendments was blocked in the 108th and 109th Congresses, as Republicans sought assurances that the EPA not be required to consider regulating POPs added to the convention and that any U.S. assessment be based on cost–benefit analysis rather than the precautionary principle called for in the treaty (Wiser, 2004).

Like the United States, the European Union had already restricted the initial “dirty dozen” POPs regulated under the Stockholm Convention and thus had an economic interest in seeing similar standards adopted internationally. However, unlike the United States, which has resisted the mechanisms for adding new POPs to the convention, the European Union has championed that aspect of the treaty. Regulatory competition concerns have encouraged EU support for the convention’s “adding mechanisms.” In the period when the Stockholm Convention was being negotiated, the European Union faced strong domestic pressure to strengthen regulation of toxic chemicals, and the European Commission was preparing a white paper that would have proposed a dramatic tightening of the regulatory regime for chemicals, including POPs. The publication of the 2001 white paper on chemicals policy (COM (2001) 88 final) initiated a lengthy legislative battle that resulted in the adoption of the European Union’s landmark REACH regulation (Registration, Evaluation and Authorisation of Chemicals) in 2006 (EC 1907/2006; Fisher, 2008). Given that the European Union was very likely to impose further restrictions on the use of various POPs, it was in the economic interest of EU industry for similar restrictions to be imposed on foreign competitors through the Stockholm Convention. Indeed, by the time the Stockholm Convention went into force in May 2004, the commission had already compiled a list of nine POPs to submit for addition to the convention (Environmental News Service, 2004).

Conclusion

This article has sought to explain why the United States and the European Union have traded places with respect to international environmental issues, with the European Union replacing the United States as an international environmental leader in the 1990s. We demonstrated that existing explanations for national participation in international environmental agreements, although useful for large-*N* studies, cannot explain shifts in U.S. and EU positions. Likewise, we argued that the U.S. and EU positions on international environmental agreements are not simply a product of their respective commitments to

unilateralism and multilateralism. We then explored the role played by two closely intertwined factors: the relative political strength of green constituencies and the competitive impact of international agreements. We concluded that a regulatory politics model that links the effects of domestic politics and international regulatory competition provides the most powerful explanation for shifting U.S. and EU positions in international environmental politics. The stronger the political influence of green pressures, the more stringent domestic standards are and the more it is in the competitive interest of the domestic economy to support multilateral environmental agreements that would internationalize such standards. By contrast, when environmental pressure groups and green parties are relatively weak, domestic political support for international environmental agreements also weakens. Where domestic environmental forces are weaker and domestic standards more lax, domestic firms and governments have an economic interest in opposing international agreements that would force them to raise domestic standards.

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Notes

1. The previous names of the European Union were the European Economic Community (EEC) and the European Community (EC). Even today, European Communities remains the correct legal term in reference to the EU participation in environmental treaties. To avoid confusion, however, we use the term *European Union* throughout the article.
2. Some Nordic countries (particularly Sweden), did play a leadership role on a number of issues such as acid rain; however, they were not then members of the EEC. Powerful EEC member states such as Germany, France, and the United Kingdom were less supportive, initially resisting international agreements on acid rain and ozone depletion.
3. The major exceptions are the southern European countries that joined the European Union in the 1980s and made great gains in postmaterialism along with their rapid economic growth.
4. The full story of the U.S. position on Basel is far more complicated. Although the convention established a prior informed consent regime similar to that in the

- United States, in 1995 the parties to the convention signed a Ban Amendment that prohibited exports of hazardous wastes from Organisation for Economic Co-operation and Development (OECD) to non-OECD countries. U.S. opposition to the 1989 convention came largely from environmentalists who argued that it did not go far enough. After the 1995 amendment, environmentalists supported Basel, whereas free trade advocates and business interests opposed it (Choksi, 2001).
5. Greater U.S. willingness to act unilaterally helps explain why the trading places we observe in this article is not symmetrical. During the 1970s and 1980s, European countries and/or the European Union followed America's international and domestic regulatory leadership, both by ratifying international environmental agreements that the United States had initiated and by frequently adopting U.S. domestic standards. More recently, the obverse has not occurred. In areas ranging from electronic recycling, to chemical regulation, to greenhouse gas emissions, the European Union has adopted ambitious policies but the United States has plainly refused to follow the EU lead.
 6. Memo, Train to Ehrlichman, September 20, 1971, Nixon Presidential Materials Staff, White House Central Files, Federal Government (Organizations), Box 1, quoted in Hopgood (1998, p. 86). See Jacobson (2002) for a similar argument.
 7. Though we focus on the 2000 Cartagena Protocol, concerns over regulatory competition—in particular regarding the biotechnology industry—also played a central role in determining U.S. and EU positions on the broader 1992 Convention on Biological Diversity. See Hopgood (1998, p. 168), Raustiala (1997), Falkner (2001), and Schreurs (2005).
 8. Should the United States adopt regulations for greenhouse gas emissions—as now appears possible—then we would expect that its willingness to sign an international agreement on climate change would increase.

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