

Introduction

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This book is the result of a project on regulatory cooperation between the EU and US, with a specific focus on California, to assess the possibilities and constraints of regulatory cooperation between the jurisdictions with respect to biosafety and biodiversity.

The project was based on the assumption that the regulatory policies of economically important political jurisdictions, such as the US and EU, have extra-territorial policy impacts. California was chosen as an additional case, because it has emerged as a regulatory policy leader in the US. Historically California has been a regulatory first-mover at both the national and international levels. The EU has increasingly taken up this role at the global level. Hence the EU at the global level and California at the national level have both emerged as regulatory policy leaders. More recently California has become a vehicle for the dissemination of European regulatory policies within the US – first at the state level and lately at the federal level as well. In addition, and as several authors indicate, the EU and California share many geographical similarities.

The central objectives of this project were twofold. First, our goal was to generate original academic research on key issues in handling global environmental challenges and in transatlantic regulatory cooperation that would be relevant for policy-makers. The project brought together an interdisciplinary transatlantic group of academics trained in economics, political science, law, sociology, geography, risk management, chemistry and environmental studies. Their chapters address several important dimensions in transatlantic regulatory cooperation and assess the possibilities and limits of strengthening it. All authors were instructed to pay special attention to incorporating policy recommendations and suggestions for improving transatlantic regulatory learning and cooperation.

A second, related objective was to promote additional opportunities for regulatory cooperation, learning and emulation among California, the US and EU and to enable their regulatory policy innovations to be more broadly disseminated. Accordingly, providing opportunities for

interaction among academics, activists, business managers and policy-makers on both sides of the Atlantic represented a critical component of the project. This goal was achieved during the two workshops (one in Leuven and one in Berkeley) and two international conferences (one in Washington, D.C. and one in Brussels) that were organized as part of the project. A full broadcast of the two conferences is available as a webcast on the project website (www.transatlantic.be).

The project resulted in a total of 20 papers, a complete listing of which is available on the project website. This book includes 13 of these contributions. It consists of four parts that each focus on a particular dimension of transatlantic regulatory cooperation and a fifth part that summarizes the essays and draws additional policy conclusions from them.

Part I on federalism and cooperation at the national and international levels consists of three chapters that consider the legal and political possibilities as well as constraints of regulatory cooperation, and potential policy emulation between the EU and US with specific attention on California. Daniel Farber outlines the legal possibilities and limits of regulatory cooperation and then identifies some areas in which, notably through the exchange of information, cooperation is possible and fruitful. Christina G. Hioureas and Bruce E. Cain further investigate how such cooperation can take place through an informal agreement mechanism, namely a memorandum of understanding. Ann E. Carlson analyses different forms of environmental federalism and looks at the role of iterative federalism as a dynamic and innovative policy strategy for developing environmental policy in a multilevel governance structure.

Part II discusses regulatory cooperation in the field of environmental protection. Gabrielle Bouleau and Matt Kondolf take river management as a topic for examining regulatory policy innovation between the EU and California. Megan R. Schwarzman and Michael P. Wilson make a case for governance initiatives that promote 'green chemistry' on both sides of the Atlantic and analyse the EU's REACH Regulation (on the registration, evaluation, authorization and restriction of chemicals, (EC) No. 1907/2006) with the aim of identifying opportunities for additional regulatory cooperation. Michael Hanemann and Chris Busch discuss different strategies to combat climate change and examine several policy proposals designed to accomplish this objective.

Part III concentrates on food safety and agriculture. Gal Hochman, Gordon Rausser and David Zilberman comparatively analyse EU and US biotechnology regulations, assess the economic impact of different regulatory regimes and discuss the implications for transatlantic relations. Chris Ansell and Jörg Balsiger examine transatlantic approaches to persistent organic pollutants and endocrine disrupting chemicals, and introduce the

concept of circuits of regulation in order to analyse regulatory dynamics. Alberto Alemanno delves further into the differences between the EU and US with respect to genetically modified organisms and outlines a number of proposals to overcome the transatlantic regulatory deadlock.

Part IV looks at the potential for and limits of international regulatory cooperation. David Winickoff and Kendra Klein analyse the development and harmonization of regulations on organic standards in the EU and US as a case study of successful regulatory cooperation that has led to transatlantic convergence. Anne Meuwese addresses the question whether the two global regulatory powers converge on how to assess regulatory impacts.

In Part V, Axel Marx and Jan Wouters summarize the general findings of the chapters and Ian Clark explores additional policy implications.