

1. Full citation:

Wirth, David A., The EU's New Impact on U.S. Environmental Regulation. The Fletcher Forum of World Affairs, Vol. 31, No. 2, Summer 2007; Boston College Law School Research Paper No. 144. Available at SSRN: <http://ssrn.com/abstract=1028733>

2. Where did/does the author work, what else has s/he written about, and what are her/his credentials:

David Wirth is a professor at Boston College Law School. He writes a lot about environmental law. His credentials include degrees from Princeton and Harvard and a Juris Doctor from Yale University.

3. What are the topics of the text:

This text discusses how the European Union is having an increasing effect on environmental regulation here in the United States.

4. What is the main argument of the text:

The main argument of this text is that interactions between domestic legal regimes are occurring all the time and that this is especially prevalent in environmental regulation between the European Union and the United States.

5. Describe at least three ways that the argument is supported:

- a) The author discusses how observation is a good tool for seeing this convergence.
- b) The author discusses how sometimes countries can influence others and cause the relaxation of regulatory standards.
- c) The author uses REACH as an example of what he is discussing?

6. What three quotes capture the message of the text:

- a) "One mechanism explaining interactions among legal systems resulting in the possibility of convergence, and conceptually the easiest case, is simple observation. Through straightforward exchanges of information, formal or informal, public policy in one jurisdiction may be informed by experience in another. In this manner, there may be agreement on what constitutes "good practice" standards that one jurisdiction may copy in some measure from another, with or without modifications to suit individual circumstances."
- b) "Situations not characterized by consensus may involve unilateral exercise of influence, whether intentional or not, which tends to result in relaxation of the rigor of regulatory standards. Structured negative harmonization of this kind in the context of free trade agreements, such as those adopted under the auspices of the World Trade Organization (WTO), is one of the principal drivers of globalization."

- c) “As with REACH, the nature of those interactions is unlikely to fit into any one mold. Differences in regulatory approaches will most likely continue to give rise to trade-related tensions, with a corresponding pressure for negative harmonization. At the same time, as the EU is increasingly able to resist such pressures, it is likely to become a more effective driver for upward harmonization, as affected constituencies such as U.S. industry have little choice but to comply with EU legislation.”

7. What three questions about environmental risk and precaution does this article leave you with:

- a) Is the United States any closer to having its own REACH look alike?
- b) Would the author think that the United States will be more precautionary because of the European Union?
- c) Could it be possible that the United States exert its influence on the EU to make them less cautious?

8. What three points, details or references from the text did you follow up on to advance your perspective on environmental risk and precaution:

- a) The United States does not seem to be heading towards a piece of legislation that resembles REACH. This is due, in large part, because of the substantial lobbying done by the chemical industry.
- b) Based on interpreting the author's text, I would assume that he would be in agreement that it would force the United States to be more precautionary.
- c) Based on interpreting the author's reading, it would seem that this is unlikely because of the pressure on US companies to comply with EU regulations to participate in European markets.