

The American Presidency's Discretionary Power in the Adoption of Bilateral and Multilateral Environmental Agreements: The Reagan Administration in the 1980s

Ludovica Di Gregorio

Submitted: October 3, 2023 – Accepted: February 5, 2024 – Published: April 18, 2024

Abstract

The power that the United States has been able to exert in international environmental agreements has not always worked towards establishing a better global environment mainly due to a clash of national and international interests. Through the analysis of the Reagan Administration (1981-1989), this essay aims to show how the presidential administrative capacities on the national level can lead to unexpected consequences on the international level. In this respect, this essay will focus on two important topics—the Montreal Protocol and the U.S.-Canada bilateral relations—which led to remarkably different outcomes, albeit starting from similar premises.

Keywords: Ronald Reagan; International Environmental Agreements; US-Canadian Relations; Montreal Protocol; Acid Rain.

Ludovica Di Gregorio: Catholic University of the Sacred Heart (Italy)

✉ ludovica.digregorio@unicatt.it

Ludovica Di Gregorio is a doctoral candidate in Institutions and Policies at the Catholic University of the Sacred Heart in Milan. Her research interests encompass the role of monocratic executives, and their influence on the institutional system and national environmental policies.

1 Introduction

Since the second half of the 19th century, a time when environmental issues had started to take center stage in the international scene, the United States has played a crucial role in the adoption of multilateral agreements aimed at tackling those issues. In fact, as one of the major players in the international political arena, the United States has been able to influence the course of action for the establishment of a global environmental protection regime. Yet the support offered by the country to international environmental policies has been controversial, oftentimes due to the clash of objectives in the domestic and international political agendas.¹ In this respect, the role played by U.S. Presidents from the 20th century in influencing these two policy realms should not be underestimated. The incremental presence of the country in international affairs, especially after the end of World War II, has arguably put the President in a more visible and relevant position for decision-making in international forums. Furthermore, the changes in the American institutional system have increased the way the international and domestic levels intertwine and influence one another. In fact, over time—and especially since the beginning of the 20th century—, U.S. Presidents have broadened their scope of action in shaping national and international policies. Looking at the international dimension, the Constitution attributes the power to negotiate and conclude treaties to the President, with the advice and consent of the Senate.² Despite the power of the legislative branch to scrutinize treaties, in accordance to the constitutional principle of checks and balances, it is the President who holds decision-making responsibility. This has proven to be an important tool for the Chief Executive. As both the main U.S. state official in international negotiations and in the management of the federal administration, the President has been able to provide guidelines for foreign policy whilst also influencing national policies, with particular regard to the environmental field. Indeed, according to Article II sec. 3 of the Constitution, the President “shall take care that the laws be faithfully executed” and is consequently the Chief Administrator.³ As already briefly mentioned, Chief Executives have greatly expanded their administrative capacities. One of the main tools used by U.S. Presidents to control the executive apparatuses since the 20th century has been the reorganization authority. This authority was granted to the President by Congress for the first time in 1932, and periodically renovated up to 1984. In the span of fifty years, reorganization authority gave the Presidents extensive powers to reform the executive branch through the creation, suppression or grouping of agencies and offices, in order to manage the executive branch more efficiently.⁴ In addition to reorganization authority, Presidential administrative capacities were particularly expanded under the Nixon administration through what the scholar Richard Nathan in 1976 named “administrative presidency.”⁵ This strategy consisted of three main instruments: budget impoundments⁶ and reductions, personnel shifts and, finally, regulations. In short, by refusing to spend funds allocated by Congress to the executive branch and by appointing loyalists to key positions throughout the executive branch, Nixon was able to regulate the area of policy that best served his political agenda at least until the Watergate scandal broke in 1972.⁷ A decade later, drawing from the experience of his Republican predecessor, Ronald Reagan (1981-1989) implemented a similar but more considerate strategy, indeed perfecting it. Rather than

1. Elizabeth R. DeSombre, “United States International Environmental Policy,” in *The Oxford Handbook of U. S. Environmental Policy*, eds. Sheldon Kamieniecki, Michael E. Kraft (New York: Oxford University Press, 2013), 207–229.

2. U.S. Constitution, art. II sec. 2.

3. U.S. Constitution, art. II sec. 3; Edward S. Corwin, *The President. Office and Powers 1787-1957* (New York: New York University Press, 1957), 69.

4. See Peri E. Arnold, *Making the Managerial Presidency. Comprehensive Reorganization Planning 1905-1996* (Lawrence, Kansas: Kansas University Press, 1998).

5. Richard P. Nathan, “The Administrative Presidency,” *The Public Interest*, 44 (1976): 41.

6. Impoundments were used by President Nixon to ensure that his policy objectives would be pursued. Since there is no regulation obliging the Chief Executive to spend all the funds allocated by Congress, Nixon refused to use part of those funds on some occasions. With the Congressional Budget and Impoundment Act of 1974, Congress adopted control measures to limit the President’s ability to repeat this conduct. See Louis Fischer, *The Law of the Executive Branch: Presidential Power* (Oxford University Press, 2014).

7. Richard P. Nathan, “The Administrative Presidency,” 46–48.

excluding the legislative branch from the federal government budget allocation like Richard Nixon had done before him through the inconsiderate use of impoundments, Reagan asked Congress to work towards a cut in general spending.⁸ Furthermore, in order to ensure that his policy preferences were followed, Ronald Reagan relied especially on the President's appointment power.⁹ It should be noted that Ronald Reagan's use of the appointment power in the 20th century proved to be the most efficient, whilst it was also supported during his double presidential mandate by two powerful executive orders, which helped him effectively control the regulatory functions of the executive branch agencies. Executive order 12,291 of 1981 and executive order 12,498 of 1984 jointly created an intricate and at times not-so-transparent mechanism of regulatory review by one of the most important agencies at the hands of the President, the Office of Management and Budget (OMB).¹⁰ The power granted to this office by the executive orders encompassed two highly relevant aspects related to the adoption of regulation by agencies. According to E.O. 12,291, the OMB could evaluate a proposed regulation in terms of effective costs and related benefits, with the possibility of deferring its adoption if considered inadequate and not in accordance with the presidential political agenda. Besides, E.O. 12,498 granted the OMB a broader influence over the agencies' normative production by conferring the office the power of approving or refusing the full list of the agencies' proposed regulations in advance.¹¹ These orders affected especially the environmental area, hindering in particular the correct operation of the Environmental Protection Agency (EPA)—whose scope included regulatory and rule-making functions in the environmental area at federal level—by extensively curbing its normative production.¹² Reagan's aversion to environmental policies should not come as a surprise. During his double governorship mandate in California, the future President had held a contradictory and oftentimes controversial position on environmental policy. For example, Reagan established an administrative body aimed at controlling air pollution (the Air Resources Board), but at the same time he tried to thwart its operation.¹³ The same hostile attitude had then been showcased throughout his presidential campaign, although this time his lack of knowledge and disinterest in the environment were made clear, together with his support for industrial production.¹⁴ This was also a reflection of the new republican electorate who were endorsing him in the race to the White House. As Patrick Allitt noted, in this period "counter-environmentalism," or the opposition to environmentalism from the right-wing, gained momentum. Just as Reagan's predecessors since the 1970s had complied with the environmentalist constituency's requests for greater federal intervention in environmental policy, the future President had decided to side with an electorate that better suited his political agenda.¹⁵ In fact, the deep economic crisis affecting the United States in the early 1980s was categorized as the first priority of the Reagan administration. The recession that began in the previous decade had been worsened by Iranian political instability and the resulting oil crisis, with alarming consequences in the international arena. At this time, the United States was no longer the world's driving economy, given the emerging new actors, including Japan. Furthermore, the crisis was altering the balance of power between the Western bloc and the Soviet Union.¹⁶ The growing frustration with the management of the Iranian crisis by the Carter administration and the Soviet expansionism in Afghanistan

8. Richard P. Nathan, *The Administrative Presidency*, (New York: John Wiley & Sons, 1983), 58–59.

9. Nathan, *The Administrative Presidency*, 75–76.

10. The Office of Management and Budget is one of the most influential agencies due to its pivotal role in the budget formulation process for the executive branch.

11. Elena Kagan, "Presidential Administration," *Harvard Law Review*, 114 (2001): 2277–2280.

12. Robert E. Litan, "Regulatory Policy in the Second Reagan Term," *The Brookings Review*, 3 (1985), 26–27; Jennifer Layzer, *Open for Business: Conservative's Opposition to Environmental Regulation* (Cambridge: MIT Press, 2012), 98–99 and 125–126.

13. Norman J. Vig, "The President and the Environment: Revolution or Retreat?," in *Environmental Policy in the 1980s, Reagan's New Agenda*, eds. Norma J. Vig, Michael E. Kraft (Washington: Congressional Quarterly Inc., 1984), 85–86.

14. Michael E. Kraft, "A New Environmental Policy Agenda: The 1980 Presidential Campaign and Its Aftermath," in *Environmental Policy in the 1980s, Reagan's New Agenda*, eds. Norma J. Vig, Michael E. Kraft (Washington: Congressional Quarterly Inc., 1984), 35.

15. Patrick Allitt, *A Climate of Crisis. America in the Age of Environmentalism* (New York: Penguin Books, 2014), 156–158.

16. Dean Baker, *The United States Since 1980* (Cambridge, Cambridge University Press: 2007), 44–50.

had generated a collective hysteria, especially in right-wing circles.¹⁷ The United States' image of an invincible nation and economic power had been tainted. To revive the economy and, therefore, the international weight of the United States, Ronald Reagan's political agenda encompassed a few key-points. Firstly, since the federal government had proven to be too costly, the new administration in office sought to reduce general spending, through consistent and wide-ranging cuts—especially in environmental policy—, with the exception of defense policy. Secondly, through tax cuts for businesses, which as a result would have been able to invest more, Reagan focused on encouraging economic recovery. Finally, businesses would have been relieved of national regulatory intervention, especially when the limits to industrial production were imposed by environmental policy objectives.¹⁸ The deliberate targeting of environmental policy by the Reagan administration was justified by the fact that economic recovery would bring greater (economic) benefits to the country than the preservation and quality of the environment.¹⁹

The broad and strategic use of two of his administrative tools, i.e. the aforementioned executive orders and the appointment power, surely did not come without some side effects for Ronald Reagan. In fact, throughout his two administrations, the President appointed three Administrators as head of the EPA. The first and most loyal EPA Administrator, Anne Gorsuch, was forced to resign in 1983 due to a scandal in the mismanagement of the agency, which included cronyism and episodes of corruption.²⁰ Reagan's next appointee, William Ruckelshaus, left the agency in 1984 just days after the President's re-election.²¹ Finally, Lee Thomas, who played a pivotal role during Ronald Reagan's second term, as will be discussed below, stood alongside the President until 1989. Meanwhile the way E.O. 12,291 was enforced was ruled inappropriate by the District Court of the District of Columbia in 1986 in the case *Environmental Defense Fund v Thomas*. According to the Court, the OMB abused its powers in limiting the EPA regulation production, which Congress had explicitly required.²² In turn, this ruling hindered the OMB from perpetuating this illegitimate conduct towards the EPA.²³

Considering these premises, it is most interesting to see how the administrative powers of the President and his stance on environmental policy reflected on an international level and on U.S. bilateral relations with neighboring countries such as Canada. In light of the importance of this particular policy area during the Reagan administration, and through the analysis of two case studies, namely the adoption of the Montreal Protocol on Ozone Depletion and the attempts of the U.S. and Canada to reduce acid rain, this paper aims to show how the President's role affected negotiations for bilateral and multilateral agreements. To this end, particular consideration will be given to the presidential administrative powers and to the centrality of Reagan's economic agenda on the domestic front, which also affected the international level. In this context, it is important to underline how the two case studies belong to a phase of U.S. environmental policy dominated by a 'control-and-command' model of regulations. The model foresees a pivotal role of the central government in dictating measures expressed in terms of technologies to be used or emission reduction targets to be achieved.²⁴ Through

17. Philip Jenkins, *Decade of Nightmares. The End of the Sixties and the Making of the Eighties America* (New York, Oxford University Press, 2006), 160–163.

18. Edwin H. Clark II, "Reaganomics and the Environment: An Evaluation," in *Environmental Policy in the 1980s, Reagan's New Agenda*, eds. Norma J. Vig, Michael E. Kraft (Washington: Congressional Quarterly Inc., 1984), 341.

19. *Ibid.*

20. For a comprehensive description of the events, see Jonathan Lash, Katherine Gillman, David Sheridan, *A Season of Spoils: The Story of the Reagan Administration's Attack on the Environment* (New York: Pantheon Books, 1984).

21. Philip Shabecoff, "Ruckelshaus Resigning Post As Chief Of The E.P.A.," *The New York Times*, November 29, 1984, Section A, Page 28, to be consulted at: <https://www.nytimes.com/1984/11/29/us/ruckelshaus-resigning-post-as-chief-of-the-epa.html>.

22. *Environmental Defense Fund v. Thomas*, 627 F. Supp. 566 (D.D.C. 1986), at 568.

23. Rosemary O'Leary, "The Impact of Federal Court Decisions on the Policies and Administration of the U.S. Environmental Protection Agency," *Administrative Law Review*, 41 (1989): 567–68.

24. Richard B. Stewart, "Models for Environmental Regulation: Central Planning Versus Market-Based Approaches," *Boston College Environmental Affairs Law Review*, 19 (1992): 547–562, 550. The article further discusses how the both the implementation of the Montreal Protocol and the acid rain program switched to a 'market integration' model under the Bush Presidency in the 1990s.

the framing of the negotiations of the Montreal Protocol and the dispute on acid rain between Canada and the United States within this model, it is possible to further emphasize the importance of the U.S. executive in the development of international environmental policy.

2 Paving the Way for Multilateral Agreements: The Montreal Protocol

One of the most pressing environmental issues in the early 1980s at international level was ozone depletion. By 1975, two American scientists had already discovered that toxic substances like chlorofluorocarbons, mainly used as propellants in spray-can products, could potentially destroy the stratospheric ozone layer. Seeking to coordinate international action, in 1977 the United Nations Environment Program (UNEP) organized a conference in Washington.²⁵ Among other participating countries, a prominent role was played by the U.S. delegation. In fact, the United States had notoriously been in favor of, if not in a leadership position, international environmental cooperation since the 1960s, reaching a peak during the Carter administration. President Carter (1977-1981) had notably been active in assuring that international environmental cooperation would also be pursued by changes on the domestic front, especially when having implications on third countries. For example, through executive orders he assured that toxic substances coming from the United States would not be sold to third countries without their consent, helping to extensively limit the traffic of such material.²⁶ When Reagan was elected, he seemed to want to break with the tradition started by his predecessors, oftentimes reversing the position that the country had held in international cooperation forums.²⁷ It should also be noted that at the beginning of his first presidential term, the production of substances like chlorofluorocarbons was still at an all-time high, and it would likely have caused great harm to the American industries to intervene and regulate the production and imports in the early 1980s.²⁸ Between 1981 and 1983, under Anne Gorsuch, a staunch supporter of Reagan as EPA Director, the United States' stance on ozone depletion was mainly against international cooperation. However, soon after Gorsuch's resignation, the country seemed to lean in favor of an international solution to the problem.²⁹ In 1984, UNEP called for a conference in Vienna to initiate international cooperation on the matter.³⁰ In particular, the Convention aimed at laying the foundations the basis for future agreements and guaranteeing a general framework for international cooperation, especially to strengthen research efforts.³¹ The United States internal front appeared divided when it came to signing the Convention, despite the great efforts from agencies including EPA and NASA in leading the negotiations at international level. On one hand, the Under Secretaries of State were unsure whether or not signing the Convention would have been advisable, given that the scientific knowledge around the issue still showed uncertainties. On the other hand, through its new Administrator Lee Thomas, EPA stressed that the agreement was important for the protection of the ozone layer and that it could contribute to the regulatory activities that were already under its authority as part of the Clean Air Act program.³² The main advantage for the Reagan administration in signing this agreement would have been that,

25. Mostafa K. Tolba, *Global Environmental Diplomacy: Negotiating Environmental Agreements for the World, 1973-1992* (Cambridge, Massachusetts: MIT Press, 2008), 56–57.

26. Lynton K. Caldwell, "The World Environment: Reversing U.S. Policy Commitments," in *Environmental Policy in the 1980s, Reagan's New Agenda*, eds. Norma J. Vig, Michael E. Kraft (Washington: Congressional Quarterly Inc., 1984), 321–324.

27. Caldwell, "The World Environment," 319–20.

28. Jørgen Wettestad, "The Vienna Convention and Montreal Protocol on Ozone-Layer Depletion," in *Environmental Regime Effectiveness: Confronting Theory with Evidence*, ed. Edward L. Miles et al. (Cambridge MA: MIT Press, 2002), 153.

29. Wettestad, "The Vienna Convention and Montreal Protocol," 157.

30. Tolba, *Global Environmental Diplomacy*, 59.

31. Action Memorandum From the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (Malone) to Secretary of State Schultz, March 15, 1985, in *Foreign Relations of the United States, 1981-1988*, Volume XLI, Global Issues II, ed. Alexander O. Poster, Adam M. Howard (Washington: Office of the Historian, Department of States, United States Government Publishing Office, 2017), 999.

32. The Clean Air Act (1970) is the main federal law that provides the general regulatory framework for establishing and maintaining air quality standards in the United States.

if the adoption of internal measures to comply with the Convention had been required, the President would have been facilitated in controlling regulations, since these would have been subjected to E.O. 12,291 and E.O. 12,498.³³ More precisely, thanks to these executive orders, the Reagan administration would have been able to avoid undesirable consequences in domestic policy, by deferring the adoption of regulations establishing new standards. This was also in line with the desires of major chlorofluorocarbon manufacturing companies, such as Du Pont, which in order to avoid a curb in production and, basing their stance on the alleged lack of scientific knowledge, publicly stood against any agreement regulating outputs.³⁴ Ultimately, the United States was one of the countries that signed the Convention at the end of March 1985. As a result of this first step in international cooperation for ozone depletion, UNEP called for a follow-up conference in 1987 for the adoption of a protocol that could bolster effective action in tackling ozone depletion.³⁵

Again during the negotiations in early 1987, the U.S. internal front seemed to be divided. Sources close to the President started to doubt that the EPA and the Department of State, who were leading the talks, were acting in the country's best interests. The U.S. was calling for a 95% phase-down in the production of chlorofluorocarbons, which, on one hand, was not feasible for third countries, and on the other hand, was not desirable for the U.S. itself, as it would have had a dramatic impact on American industry.³⁶ Given the different views on the agreement, in April of the same year the adoption of a more "flexible position" on the measures that the United States had advanced in the negotiations was suggested.³⁷ Nevertheless, taking up this point, Richard Elliot Benedick, a member of the American delegation during the negotiations, stated that, in view of the country's support for a restrictive agreement, the United States would have paid a very high price in terms of credibility, had it suddenly declared itself in favor of a less intransigent position.³⁸ Reaching an agreement was proving to be hard on the international front, especially because of different views supported by third countries. Lee Thomas, EPA Administrator, had been successful in convincing Western countries of the need to freeze the production of toxic substances and subsequently reduce their trade. The main opposition to this project came from developing countries, who claimed that they could not equally adopt such measures due to structural economic disadvantages. While the U.S. delegation at the UNEP conference was divided, on the domestic front the situation was degenerating, with Domestic Policy Council officials trying to sabotage negotiations.³⁹ The issue was brought before the President, who, as noted in his diaries, was a little puzzled.⁴⁰ Just a few days later, at the end of June, Ronald Reagan sent a memorandum with instructions for the negotiations. Siding with Lee Thomas, the President pressed the U.S.

33. Action Memorandum From the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (Malone) to Secretary of State Schultz, March 15, 1985, 1000.

34. Brigitte Smith, "Ethics of Du Pont's CFC strategy 1975–1995," *Journal of Business Ethics*, 17 (1998): 558.

35. Tolba, *Global Environmental Diplomacy*, 61–62.

36. Memorandum From Paul Gigot, White House Fellow, to the Chief of Staff to the President's Assistant for Domestic Policy (Hines), February 20, 1987, in *Foreign Relations of the United States, 1981–1988*, Volume XLI, Global Issues II, ed. Alexander O. Poster, Adam M. Howard (Washington: Office of the Historian, Department of States, United States Government Publishing Office, 2017), 1022–1023.

37. Action Memorandum From the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (Negroponte) to the Under Secretary of State for Economic Affairs (Wallis), April 20, 1987, in *Foreign Relations of the United States, 1981–1988*, Volume XLI, Global Issues II, ed. Alexander O. Poster, Adam M. Howard (Washington: Office of the Historian, Department of States, United States Government Publishing Office, 2017), 1028.

38. Briefing Memorandum From the Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (Benedick) to the Deputy Secretary of State (Whitehead), June 9, 1987, in *Foreign Relations of the United States, 1981–1988*, Volume XLI, Global Issues II, ed. Alexander O. Poster, Adam M. Howard (Washington: Office of the Historian, Department of States, United States Government Publishing Office, 2017), 1048. For an in-depth description of the negotiation stages of the Montreal Protocol, see Richard E. Benedick, *Ozone diplomacy: new directions in safeguarding the planet* (Cambridge, Massachusetts and London, England: Harvard University Press, 1998).

39. Action Memorandum From the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (Negroponte) to Secretary of State Schultz Washington, May 29, 1987, in *Foreign Relations of the United States, 1981–1988*, Volume XLI, Global Issues II, ed. Alexander O. Poster, Adam M. Howard (Washington: Office of the Historian, Department of States, United States Government Publishing Office, 2017), 1039–1040.

40. Ronald Reagan, *The Reagan Diaries* (New York: Harper Perennial, 2007), 508–509.

diplomatic delegation to ensure that the Protocol was signed, not only by the United States, but by as many of the countries taking part in the conference as possible. To win over the developing countries, Reagan asked his delegation to comply with their request for a wider timeframe for the phase-out. Furthermore, according to the President, the delegation was to adopt a text providing for the freezing of the production and consumption of pollutants at 1986 levels, to be implemented within two years of the entry into force of the Protocol, followed by a 20% reduction in the following five years. The President also called on the delegation to seek an agreement on possible restrictions on imports from countries that hadn't adopted the Protocol, so as to guarantee important benefits to U.S. industries. In addition, the delegation was asked to set conditions for the entry into force of the Protocol, such as the need for its ratification by the majority of countries producing and consuming chlorofluorocarbons.⁴¹ Among the many reasons that prompted the President to make his choice in favor of a stricter agreement, once again it is possible to note the role played by the chlorofluorocarbons producing companies, including Du Pont. This manufacturer in particular, given its prominent position in U.S. and international markets, actively took part in the negotiations, while changing its previous stance on regulation. Due to the now more predictable feasibility of the production of alternative substances and the possibility of establishing a monopoly, the company decided to publicly support the agreement.⁴² Thanks to the intervention and guidance offered by the President, the Montreal Protocol on Substances that Deplete the Ozone Layer was signed in September 1987. In the message transmitting the Protocol to the Senate for ratification, Ronald Reagan defined it as a "historic agreement" and underlined the major efforts made by the country during the negotiations.⁴³ Looking at the final text of the Montreal Protocol, it is possible to see that most of the provisions negotiated by the United States were followed. The Protocol provided for a gradual phasing out, according to which by 1999 the production of the pollutants specified in the agreement should, in each signatory country, not exceed 50% of the 1986 levels.⁴⁴ It also stipulated that, by 1994, production should not have exceeded 80% of the 1986 levels.⁴⁵ In addition, the Protocol provided facilities for developing countries, which could exceptionally delay the achievement of these objectives.⁴⁶ Furthermore, by 1990, the signatory countries should have banned imports of products containing the pollutants specified in the text of the Protocol from third countries⁴⁷ and should also have discouraged their exports to these countries.⁴⁸ Finally, in Article 11, Section 1, the Protocol provided for the convening of conferences on a regular basis, so that the situation could be monitored and, if necessary, the adopted measures could be amended to better address the issue.⁴⁹ Despite the initial unwillingness to partake in international environmental agreements, and in light of the strict domestic agenda aimed at reviving the American industrial economy, the Reagan administration played a pivotal role in the adoption of a groundbreaking multilateral environmental agreement. Nevertheless, this accomplishment should be read as an extra effort from the Presidency to safeguard the economic interests of American businesses. Indeed, Reagan used the negotiations as a tool to guarantee a prevalent position for the U.S. economy both domestically and internationally. The same attitude adopted by the Reagan administration to match both international

41. Memorandum From President Reagan to Multiple Recipients, June 25, 1987, in *Foreign Relations of the United States, 1981-1988*, Volume XLI, Global Issues II, ed. Alexander O. Poster, Adam M. Howard (Washington: Office of the Historian, Department of States, United States Government Publishing Office, 2017), 1070–1071.

42. Smith, "Ethics of Du Pont's CFC strategy", 558, 560 and 562.

43. Ronald Reagan, *Message to the Senate Transmitting the Montreal Protocol on Ozone-Depleting Substances*, December 21, 1987, Ronald Reagan Library, to be consulted at: <https://www.reaganlibrary.gov/archives/speech/message-senate-transmitting-montreal-protocol-ozone-depleting-substances>.

44. Montreal Protocol on Substances that Deplete the Ozone Layer, Multilateral, No. 26369, concluded at Montreal on 16 September 1987, United Nations, registered ex officio on 1 January 1989, to be consulted at: <https://treaties.un.org/doc/publication/unts/volume%201522/volume-1522-i-26369-english.pdf>, Article 2 sec. 4.

45. Montreal Protocol, Article 2 section 3.

46. Montreal Protocol, Article 5.

47. Montreal Protocol, Article 4 section 1.

48. Montreal Protocol, Article 4 section 5.

49. Montreal Protocol, Article 11 section 1.

environmental agreements with the domestic goals of the presidential economic agenda can also be observed in bilateral efforts with Canada on acid rain, which, as will be shown below, led to a different outcome.

3 Strains in Bilateral Relations: Canada and Acid Rain

Environmental issues rarely stay within the borders of a country. In fact, the lack of barriers means that oftentimes the whole world will be affected to a certain extent. In this scenario, it should come as no surprise that countries have to negotiate in order to resolve the issue. In the 1970s, the problem of acid rain had already emerged in Canada-U.S. bilateral relations. The problem was thought to originate from the U.S. national territory affecting eastern states, but also Canada.⁵⁰ Despite the Canadian government's efforts to resolve the problem in 1977, it was only through a U.S. Senate resolution in 1978 that President Carter decided to take action on acid rain. In 1980, the United States and Canada adopted a memorandum of intent, which led to a first brief round of negotiations.⁵¹ Once in office, Ronald Reagan demonstrated his unwillingness to continue these efforts. Although environmental movements within the United States had already asked for a reduction in the polluting emissions that were causing acid rain in the 1970s, Ronald Reagan instead decided to support American industries, in accordance with his political agenda.⁵² This greatly favored the Ohio River valley, an area in the U.S. Midwest whose economy relied greatly on coal-burning power plants. Although it was clear that the states along the river were the biggest polluters, the fact that the negative externalities of energy production did not affect them made Washington less willing to remedy the problem, to the detriment of Canada.⁵³ Furthermore, notwithstanding a report from the National Academy of Sciences in 1981, signaling the dramatic effects of acid rain on human health, Ronald Reagan suggested that there wasn't enough scientific evidence of the phenomenon and asked for further research.⁵⁴ Unlike the sudden change in the Presidential stance that led to the support of international environmental agreements in the case of ozone depletion, Reagan fiercely opposed the adoption of measures to tackle acid rain throughout his entire mandate. Even after the resignation of Anne Gorsuch as EPA Administrator, which seemed to have been fundamental for the negotiations leading up to and the adoption of the Montreal Protocol, the administration held that, with regard to acid rain, further research had to be conducted. In fact, in 1983 when Gorsuch's successor, William Ruckelshaus, was sworn in, Ronald Reagan underlined how he had asked for a massive increase in research funding to broaden the knowledge on acid rain, stating that "we're doing what's right and what's fair in this area,"⁵⁵ clearly underplaying the real Canadian concerns on the matter. In August of the same year, the U.S. and Canada signed an agreement in Ottawa, regarded by Canadian officials as an auspice for future cooperation, which aimed to intensify the exchange of scientific knowledge on acid rain between the two countries through the conducting of parallel experiments.⁵⁶ By the end of the year, the President had asked EPA Administrator to initiate negotiations for tackling the issue.⁵⁷ Although the opening of negotiations

50. Allitt. *A Climate of Crisis*, 141.

51. DeSombre, "United States International Environmental Policy," 216.

52. Layzer, *Open for Business*, 96–97.

53. Don Munton, "Dependence and Interdependence in Transboundary Environmental Relations," *International Journal*, 36 (Winter, 1980/1981): 173–174.

54. Layzer, *Open for Business*, 97.

55. Ronald Reagan, *Remarks at the Swearing-in Ceremony of William D. Ruckelshaus as Administrator of the Environmental Protection Agency*, May 18, 1983, Reagan Library, to be consulted at: <https://www.reaganlibrary.gov/archives/speech/remarks-swearing-ceremony-william-d-ruckelshaus-administrator-environmental>.

56. David Shribman, "U.S. And Canada In Acid-Rain Accord," *The New York Times*, August 24, 1983, Section A, Page 3, to be consulted at: <https://www.nytimes.com/1983/08/24/world/us-and-canada-in-acid-rain-accord.html>.

57. Draft Announcement of Acid Rain Action, Attachment to Memo, Craig L. Fuller to Edwin Meese III, James A. Baker III, Michael K. Deaver, David A. Stockman, Richard G. Darman, John A. Svahn, Frederick N. Khedouri, December 15, 1983, Folder "Acid Rain/Environment", Box 6 Continued, Series II: Subject File, 1981-1985, James Cicconi Files, Ronald Reagan Library.

seemed encouraging, it must be noted that William Ruckelshaus was repeatedly hindered in tackling the issue by the administration. In fact, on the domestic front he sought to adopt stricter standards for the permitted emissions causing acid rain, but had to face the opposition of Reagan, who on one hand thought the measure would have been too costly and, on the other, maintained that there wasn't sufficient scientific evidence on the effects of such emissions and the incidence of acid rain. It should also be noted that when states confronted the EPA on acid rain, Ruckelshaus decided to side with the White House, showing loyalty to the administration and his mixed stance on the issue.⁵⁸ Indeed, this was another front opened by the Presidency's inaction. In January 1984, Reagan received the Governors of the affected states at the White House but, as noted in his diaries, he still wasn't convinced that acid rain was caused by pollution. Consequently, in view of the scientific uncertainty on the subject, he deemed the solution to the problem as "terribly expensive."⁵⁹ On the international front, the Reagan administration was reluctant to accept that the meetings with Canadian officials were in fact negotiations, instead preferring to label them as "discussions" or "consultations." In fact, this reluctance suggested per se that the United States would hardly have concluded an agreement with Canada on the issue of acid rain. At the same time, through the announcement of federal provisions to curb the incidence of the phenomenon, the Reagan administration hoped to signal to Canada its intention of moving towards deep cooperation without actually having to deal with the problem.⁶⁰ What is sure is that, by downplaying the Canadian concerns for acid rain, Reagan failed to recognize how relevant and pressing the issue was for the Canadian government. The main consequence of this conduct was that, by 1984, Reagan had successfully strained the relationship with a neighboring country.⁶¹ Meanwhile, on the other side of the border, the Canadian government was actively trying to pressure Washington to deliver. In fact, in 1984 Canada actively chose to meet with the European states, members of the Convention on Long-Range Transboundary Air Pollution—signed in 1979 also by the United States—for a follow-up convention, in order to prompt its neighbor to at least acknowledge the problem. This was just one of the tactics adopted by Canada, in what Don Munton has called "environmental aggression."⁶² In January 1985, in a letter to the Canadian Prime Minister, Brian Mulroney, Ronald Reagan once again underlined the efforts that the U.S. were making to tackle acid rain through an increase in research funding. Nonetheless, the President informed the Prime Minister that, due to a lack of scientific evidence, the United States were not willing to undertake measures to reduce polluting emissions, as they would have proved too costly and, therefore, unsustainable.⁶³ In 1986, the Special Envoys, mutually commissioned by Canada and U.S. the previous year to analyze the acid rain dispute, issued a report that highlighted Canada's pressing position for an effective negotiation. In particular, the report revealed that Canada regarded the issue as the most important in its bilateral relations with the United States. As a result, the Reagan administration worried that the tension created could overspill into defense and trade policy, and thus attempted to support the Report by minimizing the spending required to tackle the issue.⁶⁴ In fact, at that time the United States and Canada were in the process of negotiating two important agreements: An updated version of the North American Aerospace Defense (NORAD) and a free trade agreement. This cooperation between the two countries was made possible by the foreign policy of Brian Mulroney, who unlike his predecessor Pierre Elliott Trudeau,

58. Layzer, *Open for Business*, 116–117.

59. Reagan, *The Reagan Diaries*, 214. Although the relationship between the state and federal level on the issue of acid rain is an interesting topic of discussion, it will not be addressed in this paper.

60. Memorandum for James A. Baker from James Cicconi, Proposal for Transboundary Acid Rain Control, December 16, 1983, Folder "Acid Rain/Environment", Box 6 Continued, Series II: Subject File, 1981-1985, James Cicconi Files, Ronald Reagan Library.

61. Richard J. Tobin, "Revising the Clean Air Act: Legislative Failure and Administrative Success," in *Environmental Policy in the 1980s, Reagan's New Agenda*, eds. Norma J. Vig, Michael E. Kraft (Washington: Congressional Quarterly Inc., 1984), 242.

62. Don Munton, "Acid Rain and Transboundary Air Quality in Canadian-American Relations," *American Review of Canadian Studies*, 27 (1997): 336–337.

63. Letter from Ronald Reagan to Brian Mulroney, Prime Minister of Canada, January 14, 1985, Folder Canada 1985 (01/01/1985-01/31/1985), RAC Box 1, Series I: Country File, Tyrus Cobb Files, Ronald Reagan Library.

64. Memo to the President from the Domestic Policy Council, Joint Report of Special Envoys on Acid Rain, February 19, 1986, Folder Acid Rain (2), Box 1, Series I: Subject file, 1987-1988, Howard Baker Files, Ronald Reagan Library.

tried to tighten the ties with Canada's immediate neighbor.⁶⁵ One year later, in 1987, Ronald Reagan announced that cooperation with Canada on acid rain was reaching a new phase. In fact, pursuing the recommendations of the Special Envoys, the administration was funding new projects that would allow for a better management and control of polluting emissions. Furthermore, the next step was the creation of an advisory panel under the Secretary of Energy, in which a Canadian official would partake, with the aim of supporting decision-making for funding new projects for a more active control of emissions.⁶⁶ However, these efforts turned out to be a façade. Once again, the main concern for the U.S. was the economy of those states that relied heavily on the production of energy through coal-burning plants. In the words of Robert Byrd, Senator for Virginia,

Canada would like us to require a major sacrifice in the livelihoods of millions of our citizens to improve environmental quality for Canada.⁶⁷

Canada, on the other side, was weary of the inaction of its American neighbor and continued in its efforts to put pressure on Washington through public opinion. In September 1987, after the release of a scientific report on acid rain by the Reagan administration, that was clearly steeped in the President's political agenda, Ottawa immediately discredited it by calling it "voodoo science."⁶⁸ However, in 1988 the Reagan administration had no intention of committing the United States to any agreement with Canada that would set limits on emissions or establish further targets to be achieved to the same end.⁶⁹ By the end of his second presidential term, Ronald Reagan had managed to avoid tackling the issue. In fact, the acid rain dispute was all but solved. As shown in the U.S. Environmental Protection Agencies Transition '89 report, acid rain was considered one of the most pressing issues that the newly established Bush administration had to address.⁷⁰ While the presidential activism was instrumental in reaching the Montreal Protocol on Ozone Depletion, Reagan's unwillingness to address the acid rain issue ended up undermining the success of bilateral negotiations with Canada.

4 Conclusion: Assessment of the Reagan Presidency on International Environmental Policy

The Montreal Protocol and the bilateral negotiations between Canada and the United States on acid rain are two clear examples of the influence that the U.S. Presidency can exert in international environmental policy. In this respect, the Reagan administration shows how the U.S. Chief Executive can effectively determine the outcome of international cooperation efforts, while also pursuing domestic policy objectives. Elected in a dark moment in the history of the United States, when its industrial decline seemed to become a reality due to a major economic crisis, Ronald Reagan drafted his political agenda with the clear purpose of restoring the country both on the domestic and foreign front. As

65. Adam Bromke, Kim Richard Nossal, "A Turning Point in U.S.-Canadian Relations," *Foreign Affairs*, 66 (Fall 1987): 153–154. For further reference to the NORAD history see Donald Barry, Duane Bratt, "Defense Against Help: Explaining Canada-U.S. Security Relations," *American Review of Canadian Studies*, 38 (2008): 63–89, in particular 71–77.

66. Ronald Reagan, *Statement on Acid Rain*, March 18, 1987, The American Presidency Project, to be consulted at: <https://www.presidency.ucsb.edu/documents/statement-acid-rain>.

67. Philip Shabecoff, "Byrd opposes legislation to curb pollution that cause acid rain," *New York Times*, April 9, 1987, Section A, Page 22, <https://www.nytimes.com/1987/04/09/us/byrd-opposes-legislation-to-curb-pollution-that-causes-acid-rain.html>.

68. Philip Shabecoff, "Government acid rain report comes under sharp attack," *New York Times*, September 22, 1987, Section C, Page 1, to be consulted at: <https://www.nytimes.com/1987/09/22/science/government-acid-rain-report-comes-under-sharp-attack.html>.

69. Letter from George P. Schultz to Howard Baker, January 15, 1988, Folder Acid Rain (1), Box 1, Series I: Subject file, 1987-1988, Howard Baker Files, Ronald Reagan Library.

70. U.S. Environmental Protection Agency, *Transition '89: Major National Issues*, 1989, Washington D.C., Publication N. 100R89111, National Service Center for Environmental Publications (NSCEP), 1.9. For an in-depth analysis of bilateral relations of U.S. and Canada on energy and acid rain see Daniel Macfarlane, *Natural Allies: Environment, Energy, and the History of US-Canada Relations* (Montreal: McGill-Queen's University Press, 2023).

shown throughout the essay, the most pressing issue for the President was the revival of the economy through consistent and wide-ranging support offered to the industrial sector. Tax cuts and regulatory actions to safeguard industrial production were two of the cornerstones of his political agenda. To reinforce his attempts, Ronald Reagan pursued an '*administrative strategy*' that allowed him to better reach his goals, with effects also in terms of international environmental policy. What should be noted is that, despite the many challenges and consequent missteps, Ronald Reagan managed to rebuild the image of the American Presidency as, in the words of Richard Neustadt,

A place of popularity, influence, and initiative, a source of programmatic and symbolic leadership, both pacesetter and tonesetter, the nation's voice to both the world and us, and—like or hate the policies—a presence many of us loved to see as Chief of State.⁷¹

All of these characterizations made by the author apply well to the environmental realm. Looking at the negotiations leading up to the Montreal Protocol, Ronald Reagan did set the pace and the tone of the conference. As illustrated above, the final resolution made by the President himself contributed enormously to the drafting of the document but also in securing the widest possible consensus on the international front. Of course, as repeatedly made clear in the essay, the favorable attitude towards the adoption of the Montreal Protocol was mainly due to domestic economic reasons. Furthermore, it should be noted that an important role was also played by EPA Administrators, who, from 1984, had started to advocate for an agreement. Nonetheless, the United States contributed significantly to the development of a new golden standard for multilateral environmental agreements, paving the way for the establishment of an international environmental regime.⁷² In addition, an important consequence of the Montreal Protocol was an acceleration of the development of chlorofluorocarbon substitutes with a lower environmental impact.⁷³ An equally positive outcome could not be achieved in the bilateral relations with Canada. Throughout his presidency, Ronald Reagan showed a remarkable opposition to tackling the issue of acid rain. This was mainly due to the high costs that an effective action would have meant in terms of industrial production and funds allocated to emission control. It should be underlined that, as briefly mentioned above, acid rain was not affecting Canada alone but also some American states, including New England, New Jersey and Pennsylvania.⁷⁴ The Reagan administration proved to be totally disinterested even towards these states, forcing them to take action unilaterally. Clearly these states did not have enough funds to successfully stem the problem, yet their action demonstrates the severity of the acid rain problem.⁷⁵ Furthermore, it should also be underlined that, contrary to the influence that the EPA Administrators were able to exert on the President for the adoption of the Montreal Protocol, in acid rain management William Ruckelshaus and, soon after, Lee Thomas did not stand against the administration. Moreover, Lee Thomas agreed with Reagan that scientific research had not yet been completed, and that the regulations already in place in the United States were sufficient to curb the incidence of the phenomenon.⁷⁶ To this end, it is clear that the Reagan administration failed to recognize the importance of implementing an emission reduction system, which in the long run could have offered huge benefits to the world's environment. Unfortunately, when it comes to international environmental agreements, economic issues also come into play. As noted by Lee Thomas in an interview in 1989, "these aren't just environmental problems; they're trade and economic problems."⁷⁷

To conclude, the Reagan administration quite emblematically shows how the use of presidential administrative powers may transcend the national dimension and affect U.S. foreign policy on significant subjects, such as the global environmental regime. In this respect, the analysis of the two case

71. Richard E. Neustadt, *Presidential Power and the Modern Presidents: The politics of leadership from Roosevelt to Reagan* (New York: The Free Press, 1991), 269.

72. Allitt, *A Climate of Crisis*, 140.

73. Wettestad, "The Vienna Convention," 153.

74. Allitt, *A Climate of Crisis*, 140.

75. Layzer, *Open for Business*, 123.

76. Layzer, *Open for Business*, 122.

77. Charles A. Bowsler, "Government and the Environment. An Interview with Lee Thomas," *The GAO Journal*, 6 (1989): 20.

studies leads specifically to two final considerations. Firstly, it shows how the possibility offered by executive orders 12,291 and 12,498 to control the enactment of regulations by agencies contributed to the signing of the Vienna Convention, ahead of the Montreal Protocol. Furthermore, as has already been mentioned, the use of the appointment power in this context led to a very significant outcome, especially when taking into consideration Ronald Reagan's aversion to international environmental policy. Secondly, this analysis shows and explains how programmatic objectives of the presidential domestic agenda may exercise a considerable impact on U.S. international politics. As we have seen, during his two presidential terms Ronald Reagan's priority was to support the American economy. This aim was also pursued in foreign environmental policy, both in the context of the Montreal Protocol, when the President sought to achieve more favorable conditions for the industrial sector, as well as in bilateral relations with Canada. On this second occasion, the President's willingness to protect national businesses not only prevented an agreement from being reached, but also risked compromising relations with a neighboring country. Considering the dissonant outcomes of Ronald Reagan's political choices, it is clear that both Presidential administrative action and inaction may prove crucial in setting the U.S. stance on global environmental policy issues.