

Sidney A. Shapiro

*International Trade Agreements, Regulatory Protection, and Public Accountability*

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Abstract by Carl Tugberk

As a result of several agreements stemming from the Uruguay Round of trade negotiations in the mid-1990s and other trade agreements, the world has witnessed a movement to create international regulatory standards. Sidney A. Shapiro defines an international regulatory standard as “a regulatory requirement that originates as a result of international trade negotiations between the United States and other countries or as the result of the actions of international institutions.” In this article, Shapiro examines the efforts of many United States regulatory agencies to adopt these international regulatory standards as domestic regulations and the effect of such efforts on the American public.

Shapiro explains that agencies adopt international regulatory standards in three ways: the process of harmonization (adjusting the regulatory standards or procedures of two or more countries until they are the same), in response to the resolution of trade disputes by the World Trade Organization (WTO), or by making equivalency decisions. Shapiro goes on to discuss how all three of these methods suffer from the problem of accountability. Specifically, the public has a strong interest in the adoption of these standards but has limited or no means of participating in the process. Despite the fact that the American Bar Association recommends that agencies engage in voluntary efforts to obtain public participation, the bottom line is that most agencies do not due to the lack of any legal requirement. Although Shapiro saves his judgment as to whether or not such a legal requirement should exist, he concludes that the lack of public participation will hinder the efforts of the agencies to implement the adopted international regulatory standards.