

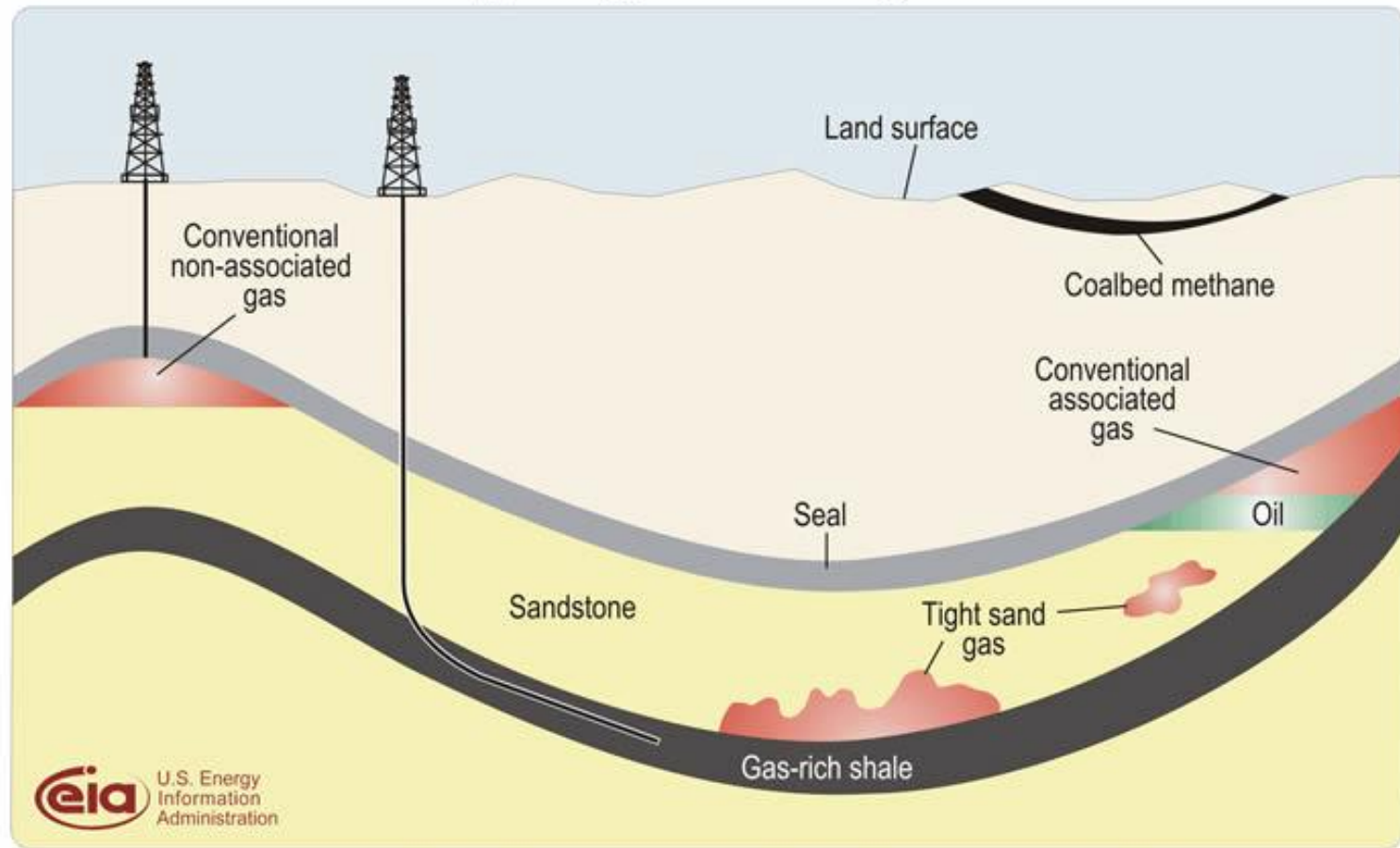
Potential New Understandings about EU/US Differences In Regards to Emerging Technologies Based on Comparison of EU and US Responses to Unconventional Gas Drilling

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Conventional and Non-conventional Natural Gas Extraction Methodologies

Schematic geology of natural gas resources



Possible Benefits of Shale Gas

- Economic well being
- **Less need to import gas and oil from potentially unfriendly countries**
- Replacement of coal with cleaner burning natural gas resulting in:
 - Decreased emissions of sulfur oxides and particulates
 - Lower greenhouse gas emissions
 - Smaller environmental footprint

EU/US DIFFERENCES IN ENVIRONMENTAL POLICY

(Simplified and Overstated)

- Consensus vs confrontation (adversarial, legalistic; regulatory success)
- Precautionary vs litigious
- Incremental vs adventurous risk-taking (UGD could not have developed as quickly in EU)
- Communitarian vs individualist (law-abiders vs cowboys; frontier culture)
- Trust vs distrust of government

Should the following differences be added?

1. Increasing concern about defense of property rights among US right
2. US ability to form effective topic-specific boundary organizations on environmental issues
3. Role of US Foundations in boundary organizations and in adversarial processes
4. *(Role of industry/NGO advertisements)*
5. *(EU conviction of its environmental superiority)*

Pew Global Survey: What is More Important?

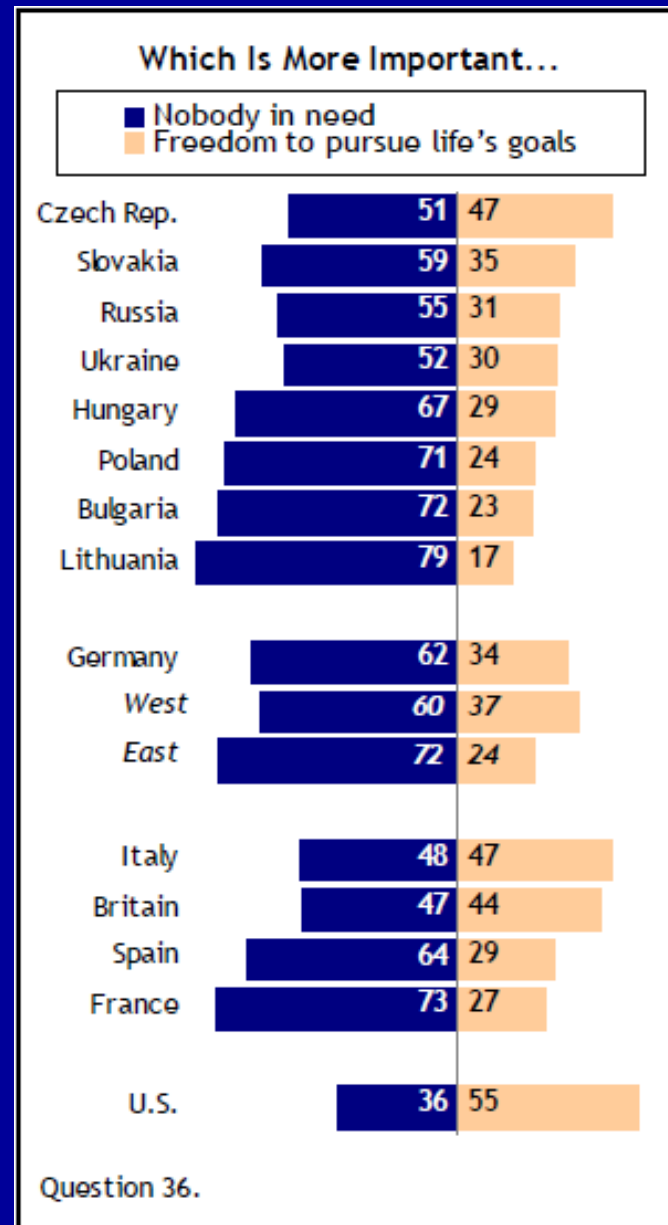
Freedom to pursue life's goals without state interference:

OR

State guarantees that nobody is in need:

Pew Research Global Attitudes Project 2011

Available from: <http://www.pewglobal.org/2009/11/02/chapter-2-democratic-values/>



Subsurface Property Rights: Is there an EU/US difference?

- In the US, almost every property owner also owns the subsurface property rights and can sell or lease these rights to the highest bidder – subject to limitations imposed by state law.
- In the EU, and in most countries, the government in essence owns subsurface property rights

Role of Land Ownership in UGD Perception

Kriesky et al; Energy Policy 58:228-236, 2013

Study of two adjacent Pennsylvania counties with very different levels of UGD

High UGD county:

- among 29.9% of families who have leased property: strong support of UGD = 36.7%
- among 70.1% who have not leased property for UGD, strong support of UGD = 18.7%

Low UGD county: strong support = 16.3%

Amendment V

US Constitution

“...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

US Constitution, Property Rights and Subsurface Fossil Fuel Ownership

Except for the US, in late 19th and early 20th century subsurface property rights were taken from property owners in countries in which state ownership did not already exist. According to Daintith there was little disturbance because of a relative lack of drilling and:

“no inconvenient constitutional provision of property rights”

Terence Daintith “Finders Keepers” 2010, p430

Primacy of Property Rights

(emphases added)

“The moment the idea is admitted into society, that property is not **as sacred as the laws of God**, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”

- John Adams, 1790

“The right to procure property and to use it for one’s own enjoyment is essential to the freedom of every person, and **our other rights would mean little without these rights of property ownership**.”

- Thomas Jefferson, 1816

“Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, **that alone is a just government**, which impartially secures to every man, whatever is his own.”

- James Madison, 1792

“The liberty of the press, trial by jury, the Habeas Corpus writ, even Magna Charta itself, although justly deemed the palladia of freedom, **are all inferior considerations**, when compared with a general distribution of real property among every class of people.”

- Noah Webster, 1787

Thomas Jefferson on cities, land availability and Europe

"I think our governments will remain virtuous for many centuries; as long as they are chiefly agricultural; and this will be as long as there shall be vacant lands in any part of America. When they get piled upon one another in large cities, as in Europe, they will become corrupt as in Europe"¹

"The mobs of great cities add just so much in support of pure government as sores do to the strength of the human body"²

¹ Jefferson to James Madison, December 20, 1787, in [PTJ](#), 12:442.

² Vasquez, Leonardo. *Thomas Jefferson: The Founding Father of Sprawl?* Planetizen. 2006.

| <i>Republican Party Candidate</i> | <i>Concern stated about property or property rights (Yes/No)</i> | <i>Concern stated about Agenda 21 (Yes/No)</i> |
|--|---|---|
| <i>Jeb Bush</i> | Yes | No |
| <i>Ben Carson</i> | No | Yes |
| <i>Chris Christie</i> | No | No |
| <i>Ted Cruz</i> | Yes | Yes |
| <i>Carly Fiorina</i> | Yes | No |
| <i>Jim Gilmore</i> | No | No |
| <i>Lindsey Graham</i> | No | No |
| <i>Mike Huckabee</i> | Yes | No |
| <i>Bobby Jindal</i> | No | No |
| <i>John Kasich</i> | No | No |
| <i>George Pataki</i> | No | No |
| <i>Rand Paul</i> | Yes | No |
| <i>Marco Rubio</i> | Yes | No |
| <i>Rick Santorum</i> | No | No |
| <i>Donald Trump</i> | No | No |

Response to President Obama's January 2016 Veto of Resolution of disapproval of expansion of "Waters of the US"

<http://www.ernst.senate.gov/public/index.cfm/2016/1/ernst-remains-committed-to-scrapping-wotus-rule>

"We all want clean water – that is not disputable....However, this rule is not about clean water. Rather, it is about how much authority the federal government and unelected bureaucrats should have to regulate what is done on private land."

-Senator Joni Ernst

“We link the security of private property to our environmental agenda for the best of reasons: Environmental stewardship has best advanced where property is privately held.”

- *Republican Party Platform, 2000*

“...we pledge to ... ensure just compensation whenever private property is needed to achieve a compelling public use. This includes the taking of property ... by environmental regulations that destroy its value.”

- *Republican Party Platform, 2012*

“We strongly reject the U.N. Agenda 21 as erosive of American sovereignty.”

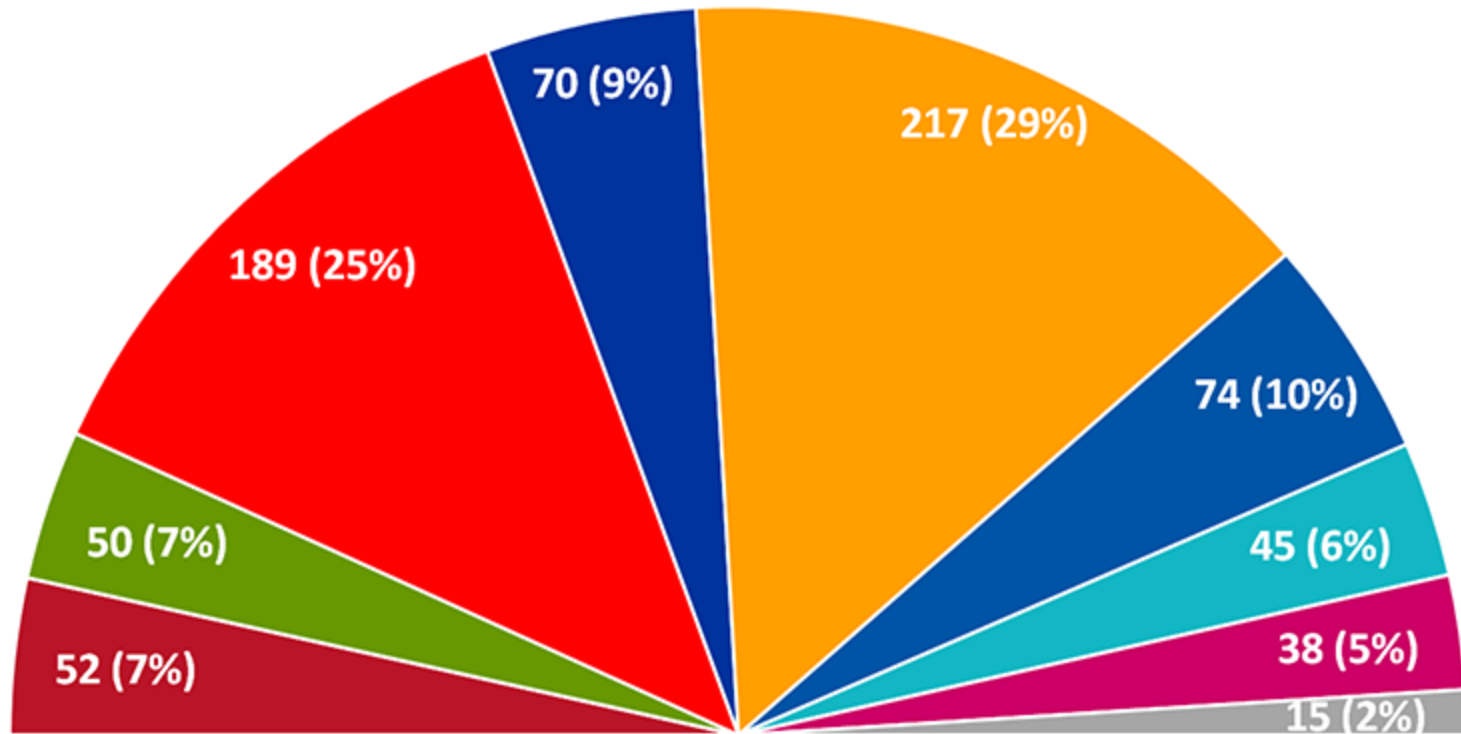
- *Republican Party Platform, 2012*

| <i>Organizations identified as Anti-Agenda 21 by the Southern Poverty Law Center (SPLC)</i> | <i>Concern stated about property/property rights (Yes/No)</i> |
|--|--|
| <i>American Policy Center (APC)</i> | Yes |
| <i>Constitution Party</i> | Yes |
| <i>Constitutional Sheriffs and Peace Officers Association</i> | No |
| <i>Declaration Alliance</i> | Yes |
| <i>Defend Rural America</i> | Yes |
| <i>Democrats Against UN Agenda 21</i> | Yes |
| <i>Eagle Forum</i> | Yes |
| <i>Environmental Perspectives, Inc.</i> | Yes |
| <i>Freedom Advocates</i> | Yes |
| <i>The Heritage Foundation</i> | Yes |
| <i>The John Birch Society</i> | Yes |

Beirich H, Potok M, Smith J, Terry D. AGENDA 21: The UN, Sustainability and Right-Wing Conspiracy Theory. Montgomery, Alabama: Southern Poverty Law Center, Center IPotSPL; 2014

| <i>Organizations connected to those identified by SPLC</i> | <i>Concern stated about property/property rights (Yes/No)</i> |
|---|--|
| <i>Committee for a Constructive Tomorrow</i> | Yes |
| <i>Freedom 21 Coalition</i> | Yes |
| <i>Globalization of California</i> | Yes |
| <i>Post-Sustainability Institute</i> | Yes |
| <i>Sovereignty International</i> | Yes |
| <i>Take Back Kentucky</i> | Yes |

Groups of the European Parliament



- European United Left-Nordic Green Left ■ GUE-NGL
- The Greens-European Free Alliance ■ G-EFA
- Progressive Alliance of Socialists and Democrats ■ S&D
- Alliance of Liberals and Democrats for Europe ■ ALDE
- European People's Party ■ EPP
- European Conservatives and Reformists ■ ECR
- Europe of Freedom and Direct Democracy ■ EFDD
- Europe of Nations and Freedom ■ ENF
- Non-Inscrits (not identified) ■ NI

DEFINITION OF BOUNDARY ORGANIZATIONS

- 1) provide the opportunity and sometimes the incentives for the creation and use of information that crosses boundary lines or of approaches that create changes on both sides of the boundary line**
- 2) involve the participation of actors from both sides of the boundary, as well as professionals who serve a mediating role**
- 3) exist at the frontier of the two relatively different social worlds of politics and science, but they have distinct lines of accountability to each**

After Guston: Boundary Organizations in Environmental Policy and Science: An Introduction. *Science, Technology, & Human Values*, 26:399-408, 2001

STRATEGIC PARTNERS

The Center for Sustainable Shale Development (CSSD) is an unprecedented, collaborative effort of environmental organizations, philanthropic foundations, energy companies and other stakeholders committed to safe, environmentally responsible shale resource development.

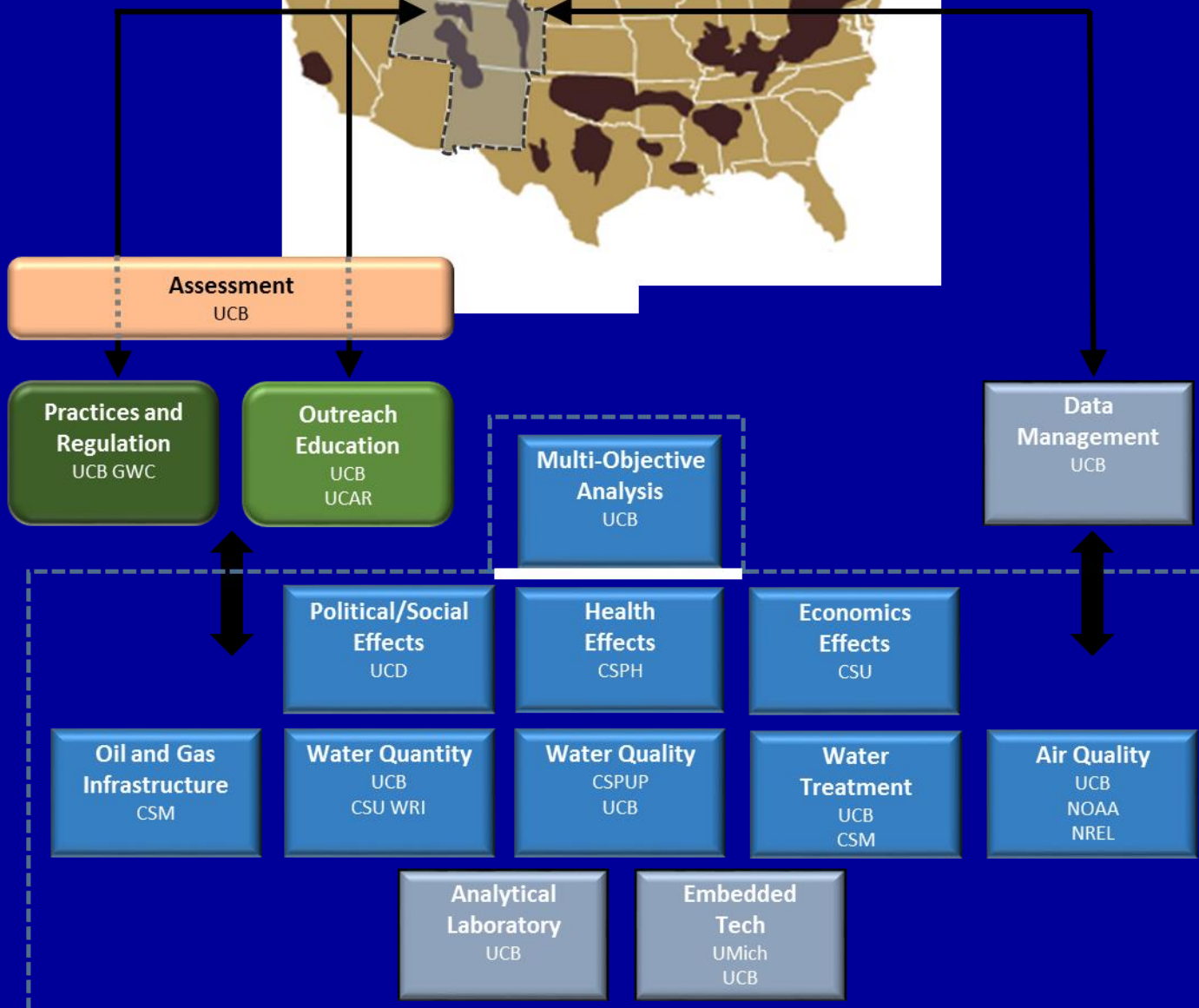
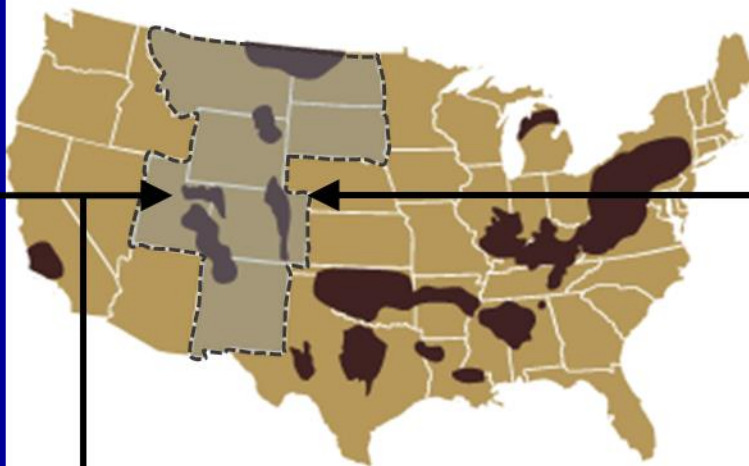
Strategic Partners of CSSD include:

- Benedum Foundation
- Chevron
- Clean Air Task Force
- CONSOL Energy
- Environmental Defense Fund
- EQT Corporation
- Group Against Smog and Pollution (GASP)
- Pennsylvania Environmental Council
- Shell



AirWaterGas

Sustainability Research Network



Goals

- Conduct ***research*** on the environmental, social, and economic effects of oil and gas development
- Develop and implement ***frameworks*** to address trade-offs associated with regulation and practice of oil and gas development
- ***Engage*** with stakeholders and communities affected by oil and gas development to understand and address issues of concern

AWG External Advisory Committee (2015)

Jim Bolander, Senior Vice President
Southwestern Energy
Houston, TX

Leslie O'Connor, Managing Partner
MHA Petroleum Consultants
Denver, CO

Joan Card, Senior Policy Advisor
Environmental Protection Agency,
Region 8
Denver, CO

Sam Spiegel, Director
Center for Innovative
Teaching/Learning
Colorado School of Mines, Golden, CO

Bernard Goldstein, Emeritus Professor
Environmental and Occupational Health
University of Pittsburgh, Pittsburgh, PA

Dave Stewart, President
Stewart Environmental Consultants
Fort Collins, CO

Gary Graham, Lands Program Director
Western Resource Advocates
Boulder, CO

Will Toor, Director of Transportation
Programs, Southwest Energy Efficiency
Project
Boulder, CO

Katie Guerra, Senior Research Engineer
Bureau of Reclamation
Denver, CO

Kirby Wynn, Oil and Gas Liaison
Garfield County
Rifle, CO

Steve Hamburg, Chief Scientist
Environmental Defense Fund
Providence, RI

The logo for the Animal Task Force (atf) features the lowercase letters 'atf' in a bold, white, sans-serif font, centered within a dark blue rectangular background.

animal
task
force

A European Public-Private Platform

Promoting a sustainable livestock sector in Europe

The Animal Task Force is a European Public-Private Platform. We promote a sustainable and competitive [livestock sector](#) in Europe. We are a leading body of expertise, representing key stakeholders from industry, farmers and research from across Europe.

Possible reasons for relative lack of boundary organizations and unanimity among NGOs in EU

- 1) Relative potency of EU green parties
- 2) Differences in NGO funding sources, amounts available and policy space to work in**
- 3) Role of NGOs in a society based on consensus rather than confrontation
- 4) Other?

Table 2.1. Private giving (volunteering and giving) as a percent of GDP

| COUNTRY | VOLUNTEERING * AND GIVING ** AS A PERCENTAGE OF GDP | GIVING ONLY AS A PERCENTAGE OF GDP |
|----------------|---|---------------------------------------|
| Netherlands | 4.49% | 0.37% |
| Sweden | 4.41% | 0.40% |
| Norway | 3.01% | 0.26% |
| France | 2.93% | 0.28% |
| United Kingdom | 2.57% | 0.62% |
| United States | 2.47% | 1.01% |
| Finland | 2.36% | 0.28% |
| Spain | 2.10% | 0.87% |
| Germany | 2.10% | 0.13% |
| Belgium | 1.97% | 0.44% |
| Ireland | 1.67% | 0.55% |
| Italy | 0.80% | 0.09% |

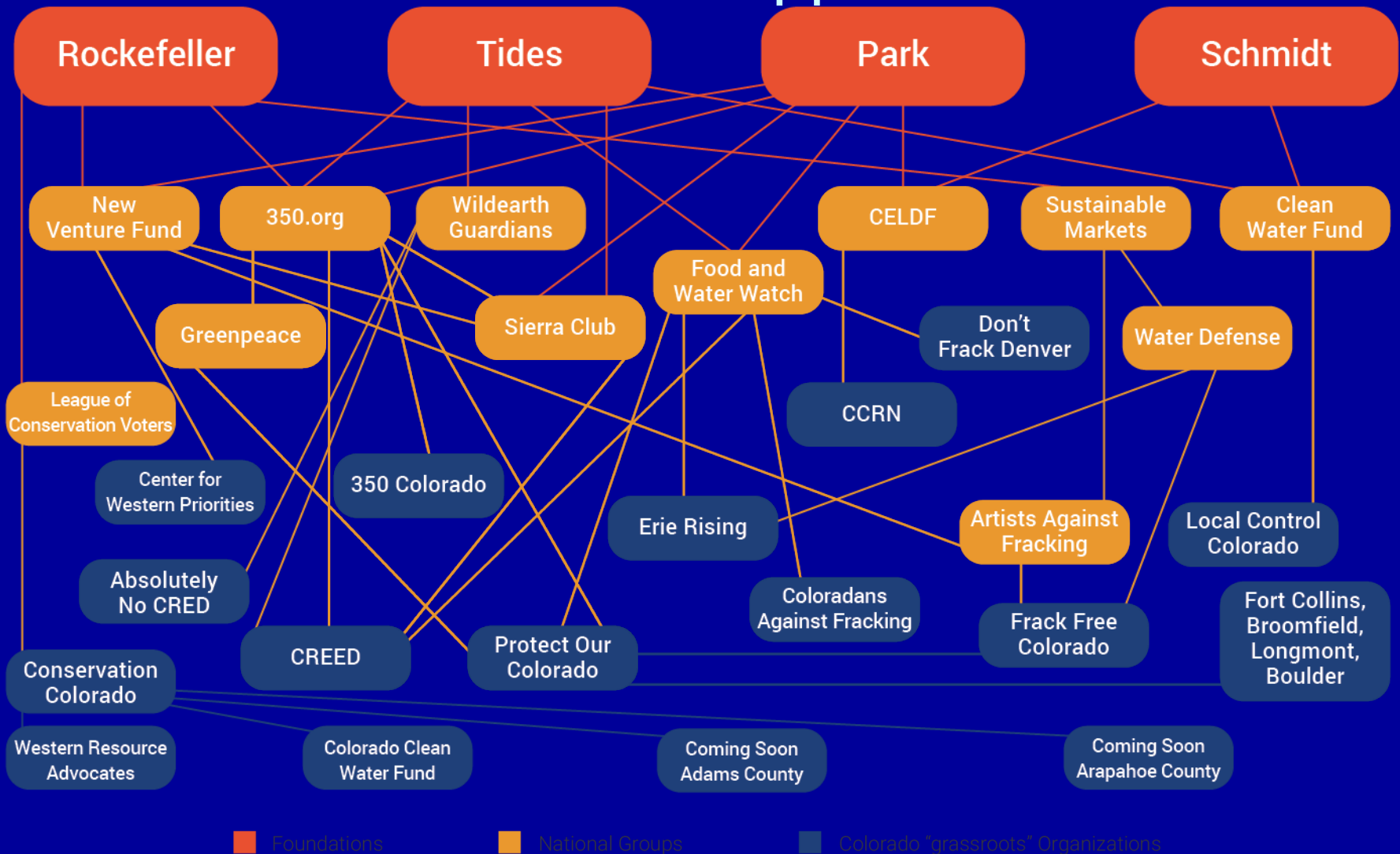
* Does not include donations to religious congregations.

** Giving includes cash or in-kind gifts by individuals, corporations, and foundations.

Adapted from Salamon L., Sokolowski S., and Associates, *Global Civil Society: Dimensions of the Nonprofit Sector*, Volume Two (Kumarian Press, 2004).

Source url: http://ec.europa.eu/invest-in-research/pdf/download_en/rec_5_7800_giving_4_051018_bat.pdf

The Known Opposition



SUMMARY

- Property rights as an environmental issue is an increasing concern of the US right that is not mirrored in the EU
- Non-governmental boundary organizations appear more important in the US
- The greater relative role of charitable organizations and their potential impact on environmental policies in the US than the EU deserves further exploration
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