

# Risk *and* Reason



Safety, Law, and the Environment  
CASS R. SUNSTEIN

# Risk And Reason Safety Law And The Environment

**David Vogel**



## **Risk And Reason Safety Law And The Environment:**

**Risk and Reason** Cass R. Sunstein, 2003      Risk Regulation and Administrative Constitutionalism Elizabeth Fisher, 2007-07-30 Over the last decade the regulatory evaluation of environmental and public health risks has been one of the most legally controversial areas of contemporary government activity Much of that debate has been understood as a conflict between those promoting scientific approaches to risk evaluation and those promoting democratic approaches This characterization of disputes has ignored the central roles of public administration and law in technological risk evaluation This is problematic because as shown in this book legal disputes over risk evaluation are disputes over administrative constitutionalism in that they are disputes over what role law should play in constituting and limiting the power of administrative risk regulators This is shown by five case studies taken from five different legal cultures an analysis of the bifurcated role of the Southwood Working Party in the UK BSE crisis the development of doctrines in relation to judicial review of risk evaluation in the US in the 1970s the interpretation of the precautionary principle by environmental courts and generalist tribunals carrying out merits review in Australia the interpretation of the WTO Sanitary and Phytosanitary Agreement as part of the WTO dispute settlement process and the interpretation of the precautionary principle in the EU context A strong argument is thus made for re orienting the focus of scholarship in this area      **Facing Catastrophe** Robert R. M. Verchick, 2010-06-15 The author argues for a new perspective on disaster law that is based on the principles of environmental protection His prescription boils down to three simple commands Go green be fair and keep safe He argues that government must assume a stronger regulatory role in managing natural infrastructure distributional fairness and public risk book cover      Civic Empowerment in an Age of Corporate Greed Edward C. Lorenz, 2012-04-01 A thought provoking investigation of an urgent issue facing American communities today Edward C Lorenz s book examines the intersection of corporate irresponsibility and civic engagement At the heart of this case study is a group of firms responsible for seven of the most contaminated Superfund sites in the United States the largest food contamination accident in U S history stunning stock and financial manipulations and a massive shift of jobs off shore In the face of these egregious environmental employee and investor abuses several communities impacted by these firms organized to confront and combat failures in corporate and bureaucratic leadership winning notable victories over major financiers lobbyists and indifferent or ineffective government agencies A critical analysis of public and private leadership business and economic ethics and civic life this book concludes with a stirring blueprint for other communities facing similarly overwhelming opposition      *Philosophy, Technology, and the Environment* David M. Kaplan, 2017-03-03 Contributions by prominent scholars examining the intersections of environmental philosophy and philosophy of technology Environmental philosophy and philosophy of technology have taken divergent paths despite their common interest in examining human modification of the natural world Yet philosophers from each field have a lot to contribute to the other Environmental issues inevitably involve technologies and technologies inevitably have

environmental impacts In this book prominent scholars from both fields illuminate the intersections of environmental philosophy and philosophy of technology offering the beginnings of a rich new hybrid discourse All the contributors share the intuition that technology and the environment overlap in ways that are relevant in both philosophical and practical terms They consider such issues as the limits of technological interventions in the natural world whether a concern for the environment can be designed into things how consumerism relates us to artifacts and environments and how food and animal agriculture raise questions about both culture and nature They discuss among other topics the pessimism and dystopianism shared by environmentalists environmental philosophers and philosophers of technology the ethics of geoengineering and climate change the biological analogy at the heart of industrial ecology green products and sustainable design and agriculture as a bridge between technology and the environment Contributors Braden Allenby Raymond Anthony Philip Brey J Baird Callicott Brett Clark Wyatt Galusky Ryan Gunderson Benjamin Hale Clare Heyward Don Idhe Mark Sagoff Julian Savulescu Paul B Thompson Ibo van de Poel Zhang Wei Kyle Powys Whyte

**The Politics of Precaution** David Vogel, 2012-04-29 The Politics of Precaution examines the politics of consumer and environmental risk regulation in the United States and Europe over the last five decades explaining why America and Europe have often regulated a wide range of similar risks differently It finds that between 1960 and 1990 American health safety and environmental regulations were more stringent risk averse comprehensive and innovative than those adopted in Europe But since around 1990 the book shows global regulatory leadership has shifted to Europe What explains this striking reversal David Vogel takes an in depth comparative look at European and American policies toward a range of consumer and environmental risks including vehicle air pollution ozone depletion climate change beef and milk hormones genetically modified agriculture antibiotics in animal feed pesticides cosmetic safety and hazardous substances in electronic products He traces how concerns over such risks and pressure on political leaders to do something about them have risen among the European public but declined among Americans Vogel explores how policymakers in Europe have grown supportive of more stringent regulations while those in the United States have become sharply polarized along partisan lines And as European policymakers have grown more willing to regulate risks on precautionary grounds increasingly skeptical American policymakers have called for higher levels of scientific certainty before imposing additional regulatory controls on business

The Constitution of the Environmental Emergency Jocelyn Stacey, 2018-04-19 This book argues for a reframing of environmental law It starts from the premise that all environmental issues confront lawmakers as emergencies Environmental issues pose a fundamental challenge to law because it is impossible to reliably predict which issues contain the possibility of an emergency and what to do in response to such an unforeseen event These features undermine the conventional understanding of the rule of law This book argues that approaching environmental issues from the emergency perspective leads us to an understanding of the rule of law that requires public justification This requirement recentres the debates in environmental law around the question of why

governance under the rule of law is something worth having in the environmental context. It elaborates what the rule of law requires of decision makers in light of our ever present vulnerability to catastrophic environmental harm. Controversial, compelling and above all timely, this book presents an important new perspective on environmental law.

**Of Risks and Normative Responses** Christina Anikó Simmig, 2023-09-23 Disaster losses in the context of natural hazards continue to rise despite a growing understanding of disaster risks and measures to reduce them. One obstacle to enhancing private and public disaster risk reduction is the influence of the distorted risk perception of laypeople. The book argues for the necessity of public regulations and explores means to mitigate the consequences of such distorted risk perception through legal measures and adjustments to political decision making in Council of Europe member states while respecting the value of autonomy and democratic principles. In terms of collective decision making, the book advocates for the implementation of deliberative fora in the democratic decision making process to mitigate the influence of distorted risk perception associated with natural hazards. Additionally, the book discusses a range of disaster risk reducing measures that member states may lawfully implement to protect individuals and communities from the consequences of distorted risk perceptions related to common natural hazards. To underscore the merits of strengthening disaster risk reduction from the bottom up, this book demonstrates how fundamental rights and democratic values impede attempts to increase DRR from the top down, even in cases where people's risk perceptions are distorted. In doing so, the book addresses the issue of disaster risk reduction in a novel way by exposing how legal and political barriers to disaster loss reduction can be overcome by giving higher priority to mitigating distorted risk perceptions.

**Risk Regulation in the Internal Market** Maria Weimer, 2019-03-13 This book offers a topical inquiry into the legal and political limits of EU regulation in the field of risk and new technologies surrounded by techno-scientific complexity, uncertainty and societal contestation. It uses agricultural biotechnology as a paradigmatic example to illustrate the complex intertwinement between environmental, public health, economic and social concerns in risk regulation. Weimer analyses the drawbacks of the EU approach to agricultural biotechnology, showing that its reductionism, i.e. the narrow understanding of GMO risks as well as the exclusion of broader societal concerns related to environmental and social sustainability, has undermined both the legitimacy and effectiveness of EU regulation in this area. Resistance to this approach, however, has also triggered legal innovations prompting us to re-think EU internal market law, including the way in which it manages the tensions between unity and diversity and between social and economic concerns. This text offers fresh and original insights into how far the EU can go in harmonizing regulatory approaches to risk. At the same time, it proposes new ways of re-thinking EU risk regulation to make it more responsive to different perspectives on risk and technology. A unique feature of this book is that it contributes to various strains of scholarship, including risk regulation, internal market law, public administration and studies of governance and regulation, as well as connecting these themes to broader debates about the legitimacy of European integration and new ways of differentiated integration. As a result, it assists in re-imagining the EU.

internal market and its regulation as a site of diversity      *Is It Safe?* Sarah A. Vogel, 2013 Traces of bisphenol A or BPA a chemical used in plastics production are widely detected in our bodies and environment      *Oxford Handbook of Public Health Practice* Ichiro Kawachi, Iain Lang, Walter Ricciardi, 2020 Fully revised and updated for the fourth edition the award winning Oxford Handbook of Public Health Practice remains the first resort for practitioners in the field Structured into practical sections addressed towards professional competencies and translating evidence into policy this Handbook provides concise summaries and covers real issues from across the globe providing a world of experience at your fingertips Easy to use concise and practical this Handbook is divided into seven parts that focus on the vital areas of this broad discipline Reflecting recent advances the most promising developments in the practice of public health are presented along with essential summaries of the core disciplines Specific sections are devoted to the development of professional competencies including negotiation communicating risk to the public community action and translating evidence into policy Written by an international team of experts and considering both social and scientific advances since the previous edition this Handbook will assist students trainees and practitioners around the world with its enriched information on the management of disasters epidemics health behaviour acute and chronic disease prevention community and government action environmental health vulnerable populations and more      *Sand in the Gears* Andrew O. Smith, 2013-02-28 American manufacturing has been on the decline for at least two generations That fact is plain to any observer who travels through the Rust Belt of the Midwest where the closing of steel plants and automobile factories has created ghost towns that dot the landscape It is also clear from the dormant New England textile mills whose owners surrendered their production first to cheaper mills in the Southeast before they in turn lost out to Asian labor What caused this calamity and what can be done about it Andrew O Smith argues that we lost our manufacturing not simply to forces beyond our control such as globalization and cheaper labor overseas but as the result of misguided policies that are well within our abilities to reform for the benefit of manufacturing Examining six areas of public policy the tax system health care the legal system workers compensation government regulations and labor policy Smith demonstrates that in each of these areas current policy choices have created a hostile environment for manufacturing Grounding his arguments not in polemic or ideology but in historical analysis and current research Smith illustrates his points with real world examples to show how a New Social Compact can fix the problems that manufacturers face without sacrificing public policy goals      *Managing Climate Risks in Coastal Communities* Lawrence Susskind, Danya Rumore, Carri Hulet, Patrick Field, 2015-09-15 Drawing on research from the New England Climate Adaptation Project *Managing Climate Risks for Coastal Communities* introduces a framework for building local capacity to respond to climate change The authors maintain that local climate adaptation efforts require collective commitments to risk management but that many communities are not ready to take on the challenge and urgently need enhanced capacity to support climate adaptation planning To this end the book offers statistical assessments of one readiness enhancement strategy using tailored

role play simulations as part of a broader engagement approach It also introduces methods for forecasting local climate change risks as well as for evaluating the social and political context in which collective action must take place With extensive illustration and example engagement materials this volume is tailored for use by researchers policy makers and practitioners OECD Reviews of Regulatory Reform Risk and Regulatory Policy Improving the Governance of Risk OECD,2010-04-09 This publication presents recent OECD papers on risk and regulatory policy They offer measures for developing or improving coherent risk governance policies Crime and Regulation Fiona Haines,2017-11-30 This volume brings together key articles in the burgeoning field of regulation The collection is interdisciplinary in keeping with study of regulation itself yet the book arranges and explores these articles to make the bewildering array of issues and concepts that comprise the study of regulation comprehensible to a criminological audience It will be of interest to all scholars and students of criminology and criminal justice as well as those concerned with reducing the crimes and harms of the powerful

**Hyping Health Risks** Geoffrey C. Kabat,2008 Kabat approaches health scares as social facts and shows that a variety of factors can contribute to the inflating of a hazard These include skewed reporting by the media but also surprisingly the actions of researchers who may emphasize certain findings while ignoring others regulatory and health agencies eager to show their responsiveness to the health concerns of the public politicians and advocates with a stake in a particular outcome

**The Ethics of Precaution** Levente Szentkirályi,2019-11-22 There are thousands of substances manufactured in the United States to which the public is routinely exposed and for which toxicity data are limited or absent Some insist that uncertainty about the severity of potential harm justifies implementing precautionary regulations while others claim that uncertainty justifies the absence of regulations until sufficient evidence confirms a strong probability of severe harm In this book Levente Szentkirályi overcomes this impasse in his defense of precautionary environmental risk regulation by shifting the focus from how to manage uncertainty to what it is we owe each other morally He argues that actions that create uncertain threats wrongfully gamble with the welfare of those who are exposed and neglect the reciprocity that our equal moral standing demands If we take the moral equality and rights of others seriously we have a duty to exercise due care to strive to prevent putting them in possible harm's way The Ethics of Precaution will be of great interest to researchers educators advanced students and practitioners working in the fields of environmental political theory ethics of risk and environmental policy *Estimating Mortality Risk Reduction and Economic Benefits from Controlling Ozone Air Pollution* National Research Council,Division on Earth and Life Studies,Board on Environmental Studies and Toxicology,Committee on Estimating Mortality Risk Reduction Benefits from Decreasing Tropospheric Ozone Exposure,2008-07-21 In light of recent evidence on the relationship of ozone to mortality and questions about its implications for benefit analysis the Environmental Protection Agency asked the National Research Council to establish a committee of experts to evaluate independently the contributions of recent epidemiologic studies to understanding the size of the ozone mortality effect in the context of benefit

analysis The committee was also asked to assess methods for estimating how much a reduction in short term exposure to ozone would reduce premature deaths to assess methods for estimating associated increases in life expectancy and to assess methods for estimating the monetary value of the reduced risk of premature death and increased life expectancy in the context of health benefits analysis Estimating Mortality Risk Reduction and Economic Benefits from Controlling Ozone Air Pollution details the committee s findings and posits several recommendations to address these issues Pesticide Policy and Politics in the European Union Emanuela Bozzini,2017-03-23 This book explores the regulation of pesticides in the European Union in order to reveal the complex controversial and contested nature of an assessment system proudly declared by the EU to be the strictest in the world The current regulatory framework is based on Regulation 1107 2009 which substantially reformed the previous system The analysis describes the new criteria and procedures for the authorization of active substances to be used in the production of pesticides traces the lengthy policy formulation process and identifies factors that made policy change possible Further the book illustrates the current controversies that characterise the implementation of Regulation 1107 2009 the ban of pesticides harmful to pollinators the renewal of the authorization of glyphosate and the definition of criteria for the assessment of endocrine disruption The author provides information on policy outcomes and highlights persisting shortcomings in the enforcement of EU regulation This book will appeal to students and scholars from a variety of disciplines including political science political sociology and public policy **Oxford Handbook of Public Health Practice** Charles Guest,Walter Ricciardi,Ichiro Kawachi,Iain Lang,2013-02-28 Fully revised and updated for the third edition the Oxford Handbook of Public Health Practice remains the first resort for all those working in this broad field Structured to assist with practical tasks translating evidence into policy and providing concise summaries and real world issues from across the globe this literally provides a world of experience at your fingertips Easy to use concise and practical it is structured into seven parts that focus on the vital areas of assessment data and information direct action policy health care systems personal effectiveness and organisational development Reflecting recent advances the most promising developments in practical public health are presented as well as maintaining essential summaries of core disciplines This handbook is designed to assist students and practitioners around the world for improved management of disasters epidemics health behaviour acute and chronic disease prevention community and government action environmental health vulnerable populations and more

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