

**1. Full citation:**

Vogel, David. "Chapter Eight: The Law and Politics of Risk Assessment." *The Politics of Precaution*. Princeton: Princeton UP, 2012. 252-278. Print.

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

David Vogel is a professor in the Political Science Department at the University of California at Berkeley. He has also written about food safety, corporate social responsibility, as well as various environmental ethical issues. In addition to being a professor at Berkeley, their credentials also include being the Solomon P. Lee Chair in Business Ethics, as well as a Ph.D. in Politics from Princeton University.

**3. What are the topics of the text:**

The eighth chapter in Vogel's book, *The Politics of Precaution*, further explains the split in policy approach in the EU and US in 1990. Vogel focuses on documenting the precautionary basis of many risk regulations before 1990.

**4. What is the main argument of the text:**

The main argument of the eighth chapter is providing even more evidence to support Vogel's claim that there has been a regulatory shift between the European Union and United States starting in 1990.

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

- a) Vogel further describes the trend away from regulatory stringency in the US and toward it in the European Union.
- b) Vogel describes the precautionary principle in American law.
- c) Vogel describes how risk assessments take place in American law

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

- a) "An important challenge to the adoption of highly risk-averse or precautionary risk regulations in the United States is the requirement that risk management decisions incorporate a cost-benefit analysis. The use of cost-benefit analyses has become a critical and controversial component of American risk regulation."
- b) "Many of the first wave of environmental statutes enacted in the United States incorporated important precautionary elements. One of their defining characteristics was an unwillingness to wait for clear evidence of harm before permitting, or in some cases, requiring, regulatory action."
- c) "The need for risk regulations to be justified by scientific risk assessments dates from the 1980 Supreme Court decision in *Industrial Union Department v. American Petroleum*

Institute. The issue in this case was an industry challenge to an Occupational Safety and Health Administration (OSHA) regulation that set the acceptable exposure for the carcinogen benzene at 1ppm over an eight-hour period. In striking down this regulation, the Supreme Court held that only “significant risks” could be regulated under the toxic substances provision of the relevant statute. The agency was accordingly instructed to review its standard to determine whether benzene exposure at 1ppm was “significant.””

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

- a) What motivated Reagan to utilize the cost-benefit analysis?
- b) What is the perception of the cost-benefit analysis in the United States?
- c) How often are policy makers influenced by ‘sound science?’

**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) I could not find specific reasoning for Reagan wanting to use the cost-benefit analysis but, it seems that his goal was to make things more efficient. (Source: <http://www.nytimes.com/1981/11/07/us/reagan-order-on-cost-benefit-analysis-stirs-economic-and-political-debate.html?pagewanted=all>)
- b) I could not find specific articles about perceptions of the cost benefit analysis in the US but, I found that the cost-benefit analysis is seen as a cultural threat in the European Union (Source: <http://onlinelibrary.wiley.com/doi/10.1111/1468-2508.00139/abstract>)
- c) I could not find specific articles about what it means to have ‘sound science’ but, from discussions we have had in class, this is a problem that exists.