1. Full citation.
   1. Vogel, D. *The Politics of Precaution: Regulating Health, Safety, and Environmental Risks in Europe and the United States*. Princeton Univers. Press, 2012.
2. What are the topics of the text?
   1. This chapter discusses increased reliance on risk assessments, challenges to precaution, policy changes that facilitated the adoption of more risk-averse policies in Europe and impeded their adoption in the US. In addition, it discusses how the influence of the precautionary principle in Europe reflects both increased public pressures for more risk stringent regulations and the greater willingness of policy makers to respond to them.
3. What is the main argument of the text?
   1. This chapter of the text focused on analyzing how policy makers assess and manage risks, both in Europe and the United States and how they diverged from one another.
4. Describe at least three ways that the argument is supported.
   1. “They have required agencies to invest considerable resources to developing extensive economic and scientific data sufficient to withstand legal challenges to their rule-making, which in turn means fewer resources are available for developing new regulations. It is estimated that 90 percent of the scientific factual data prepared by the EPA are to enable the agency’s decisions to withstand judicial review. As the enforcement of the 1976 Toxic Substances Control Act (TSCA) after the asbestos case reveals, it has also made regulatory agencies reluctant to propose new rules in the first place. The requirement that rules issues by regulatory agencies by accompanied by detailed, often quantitatively based risk assessments has also made it more difficult for rules to be adopted for risks whose adverse impacts are uncertain or not yet proven by risk assessments.”
   2. “Frank Furedi argues that much European risk regulation is based on a “culture of fear.” According to Bill Curodie, “we should be wary of creating a culture of unnecessary fear…Rather than embracing the opportunities latent with uncertainty as did previous generations, today we appear to reject them and highlight the risks…What really may have changed is not so much the scale of problems we face, but rather the outlook with which society perceives its difficulties, both real and imagined. “
   3. “The second procedural or administrative challenge to the application of a precautionary or high risk-averse approach to risk management decisions in the United States is the increased importance placed on science based risk assessments. In the 1996 amendments to the Safe Drinking Water Act, Congress included a provision requiring that risk assessments conducted under its provisions be based “on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices. In 2000, the Information (Data) Quality Act, which was added as an amendment to an appropriations bill, went a step further. It directed the OMB to “issue guidelines…that provide policy and procedural assistance to deferral agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information disseminated by federal agencies. IT also granted interested parties the right to challenge and agency’s adherence to these guidelines in federal court—a provision strongly supported by business groups.”
5. What three quotes capture the message of the text?
   1. “Over the last two decades, quantitative risk assessment has emerged as the dominant paradigm in the U.S. for including science in regulatory decision making as the best way to manage threats to public health and the environment. Since the Benzene decision, virtually all risk management decisions made by regulatory agencies must be accompanies by an extensive factual record that includes any relevant scientific data and expert judgments.”
   2. “As an influential memo from the European Commission put it, “it is not up to individual scientists to decide on the acceptable level of risk imposed on the society as a whole.” Rather, making such a judgment and deciding what “other legitimate factors” should also go into it is the responsibility of policy-makers.” Accordingly, it is “for decision-makers and ultimately the courts to flesh out the precautionary principle.”
   3. “risk is actuarial in spirit…When used in environmental decision-making, risk retains the connotation of something that can be clearly defined and quantified, hence managed.” But such confidence in science’s ability to access, measure, and predict health, safety, and environmental risks is precisely what the precautionary principle challenges. If a reliance on risk assessments assumes that the ability of scientific knowledge to understand and predict the risks we face has increased, then the precautionary principle is based on a rather different assumption, namely that it is precisely uncertainty-that which we do not know-that has increased, and that moreover the dangers that we do not yet adequately understand or know about are likely to be more serious than those about which we already know.”
6. What three questions about environmental risk and precaution does this article leave you with?
   1. Do you believe that the only way Americans will push for policy change again will be through the failure of the government?
   2. Are policy makers the most appropriate members of society to determine the risk to society? How do they evaluate risk?
   3. How do we shift away from our reliance on risk assessments and cost-benefit analysis as evaluation methods?
7. What three points, details or references from the text did you follow up on to advance your perspective on environmental risk and precaution? (Provide citations, with a brief explanation of what you learned.  One of these should be fully annotated, as your second required reading for each week.)
   1. Industrial Union Department v. American Petroleum Institute
      1. In 1980 this case was brought up in front of the United States Supreme Court. It represented a challenge to the OSHA practice of regulation carcinogens by setting the exposure limit “at the lowest technologically feasible level that will not impair the viability of the industries regulated.” The outcome of this case emphasized that OSHA did have to demonstrate a significant risk of harm in order to justify setting a particular exposure level.
         1. <http://en.wikipedia.org/wiki/Industrial_Union_Department_v._American_Petroleum_Institute>
   2. Unfunded Mandates Reform Act of 1995
      * 1. This act was put into place to avoid imposing mandates on state, local and tribal governments. The majority of the act applies only to funs in excess of $100 million in a year, in which case a written statement must be provided that includes the legal authority for the rule, a cost-benefit assessment, a description of the macroeconomic effects that the mandate will likely have, and a summary of concerns from the SLTG and how they were addressed. The enforcement of the mandate requires the agency to choose the least-costly option that still achieves the goals of the mandate as well.
           1. <http://en.wikipedia.org/wiki/Unfunded_mandate#Unfunded_Mandates_Reform_Act>
   3. The legacy of the Precautionary Principle in US Law: The Rise of Cost-Benefit Analysis and Risk Assessment as Undermining Factors in Health, Safety and Environmental Protection Full citation.
      1. Full citation.
      2. What are the topics of the text?
         1. The chapter discusses the undermining of protection in the United States, a brief history of the precautionary principle as developed in the US with comparisons to its evolution in Europe, a regulatory decision making framework that agencies might follow and a brief account of the politics of the regulation of chemicals in the U.S. Then, it goes into an account on the history of the US chemical regulation and the use of the precautionary principle in the law and finally suggestions for reclaiming health, safety and environmental protection through the creative use of the precautionary principle.
      3. What is the main argument of the text?
         1. The main argument is that in the US, the governmental responses to the problems of risky technologies and products are wrong-headed and hide behind misguided formulaic methodologies of cost-benefit analyses and quantitative risk assessments ostensibly offered to provide more sensible and rational solutions9 to guide approaches to health, safety and environmental problems, but in actuality motivated by desires to accommodate industrial and producer interests.
      4. Describe at least three ways that the argument is supported.
         1. There are many limitations which prevent the traditional cost-benefit analysis from accurately reflecting the appropriate externalities involved in a process. For starters, it is very difficult to place a monetary value on human life, health and safety and a healthy environment. Many of the benefits from these expand over the course of a lifetime or longer, creating many difficulties in producing an accurate cost-benefit analysis.
         2. Another problem is the discount rate applied when discussing environmental concerns. Typically, the discount rate applied is very high which essentially means that economists are placing a higher value on our well-being, meaning the current humans inhabiting the planet, over that of future generations. This trend of pushing problems off onto future generations is both problematic and irresponsible, but the result of misinterpreting the value of human health and our ecosystems. In order to rectify it, more versatile means of evaluating the true costs and benefits of a process is necessary.
         3. The trade-off analysis is a viable alternative to traditional cost-benefit analysis. This approach utilizes the consumer’s willingness to pay (WTP) over their willingness to accept (WTA) which studies have found to be consistently lower. Through evaluating the economic benefit of a resource by comparing it to something in equivalent terms, it is possible to determine a much more accurate value of a resource because of human beings tendency to be loss averse.
      5. What three quotes capture the message of the text?
      6. What three questions about environmental risk and precaution does this article leave you with?
         1. How accurate is the trade-off analysis? Isn’t this predominantly determined by the values of the consumers who are questioned?
         2. Aren’t companies mandated to use specific technologies through BACT or the likes of it? Is so, how are technological options not accounted for in this process?
         3. Is it appropriate to be trying to fit environmental constraints into cost-benefit terms, or should ecosystem preservation and environment protection simply be done rather than considered?