Phantom Risk

Scientific Inference and the Law

edited by Kenneth R. Foster, David E. Bernstein,
Peter W. Huber

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Preface

This book examines two intersecting themes: the problems of assessing subtle environmental or occupational risks, and the havoc this creates in the courtroom. In each chapter, a scientist addresses an occupational or environmental health issue that has figured prominently in tort litigation. Each section concludes with a brief summary of the litigation. The final chapter offers guidelines to help the legal system deal with the very real problem of phantom risk.

The editors and authors strive to discuss the scientific and legal issues in a way that will be accessible to the "intelligent lay reader," who—despite occasional claims to the contrary—is not an endangered species.

We gratefully acknowledge the generous support of the Sloan Foundation and the Manhattan Institute for Policy Research. We thank the authors of these chapters and many colleagues for suggestions and helpful discussions, with special thanks to Michael Gough and Isadore Rosenthal. We have also benefited from the excellent secretarial assistance of Marilyn Leeland and our paralegal assistant, Karin Albani.

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Cognitive dissonance : are high.

Weinberg 1985, p. 6

We would know noth scientists had not detec be based on a set of sc unanimous, especially exist.

Ruckelshaus 1985, p

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Cognitive dissonance is all but unavoidable when the data are ambiguous and the stakes are high.

Weinberg 1985, p. 67

We would know nothing at all about chronic risk attributable to most toxic substances if scientists had not detected and evaluated them. Our response to such risks, therefore, must be based on a set of scientific findings. Science, however, is hardly ever unambiguous or unanimous, especially when the data on which definitive science must be founded scarcely exist.

Ruckelshaus 1985, p. 26

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