

# A few comments on the Precautionary Principle

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To provide you

with the ‘a reality check’ on the PP

(actual)

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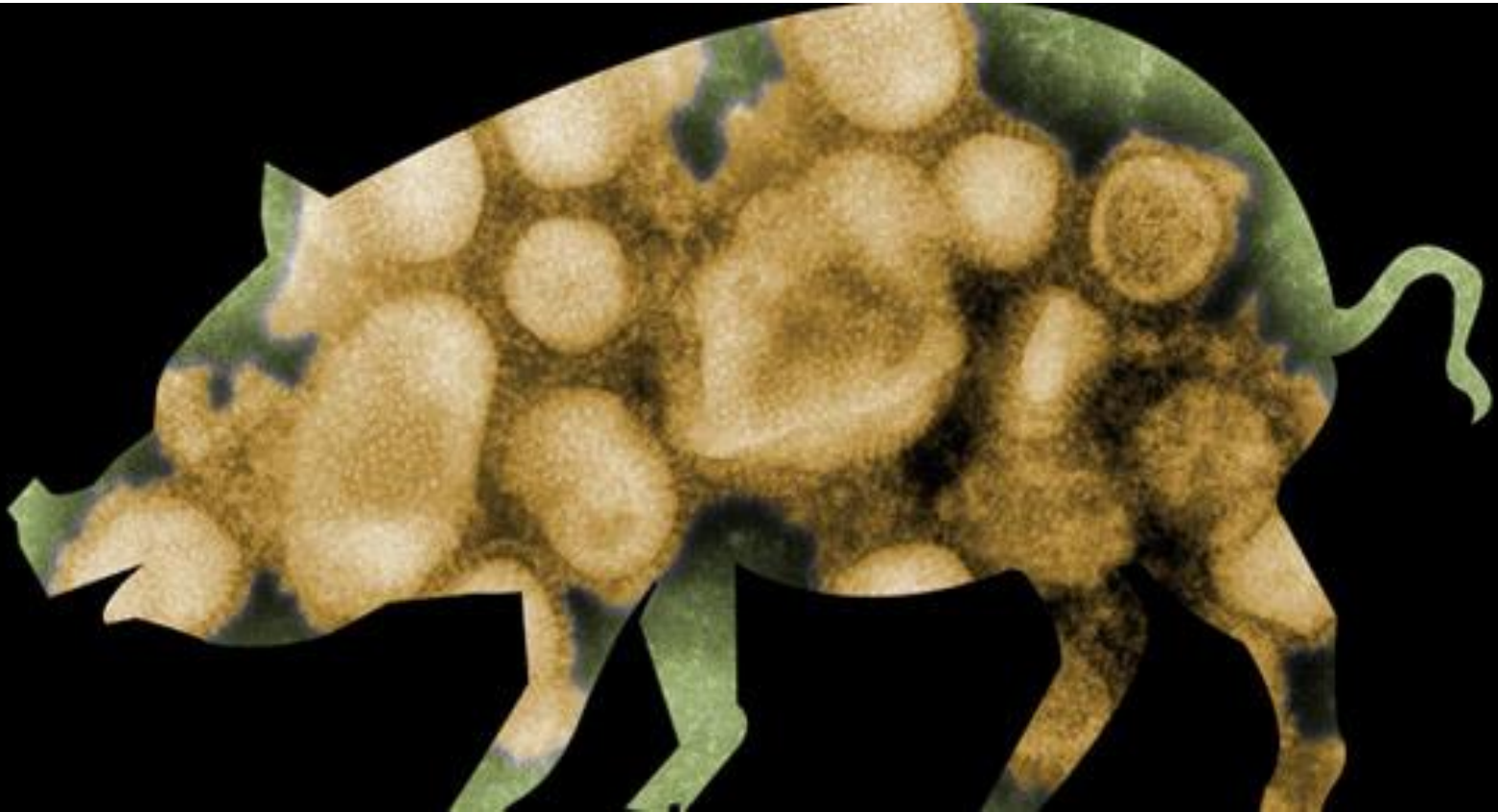
**examples**

of precautionary-inspired

# Fukushima: restrictions on Japanese products



H1N1



# Labelling of 'Southampton Colours'



# ‘Southampton Colours’

**6 colors** that a 2007 British study singled out for a connection to hyperactivity in children:

- Alurra Red (also called Red 40)
- Ponceau 4R (E124)
- Tartrazine (Yellow 5) (E102)
- Sunset Yellow FCF/Orange Yellow S (Yellow6) (E110)
- Quinoline Yellow (E104)
- Carmoisine (E102).





# Ban on BPA-made baby bottles

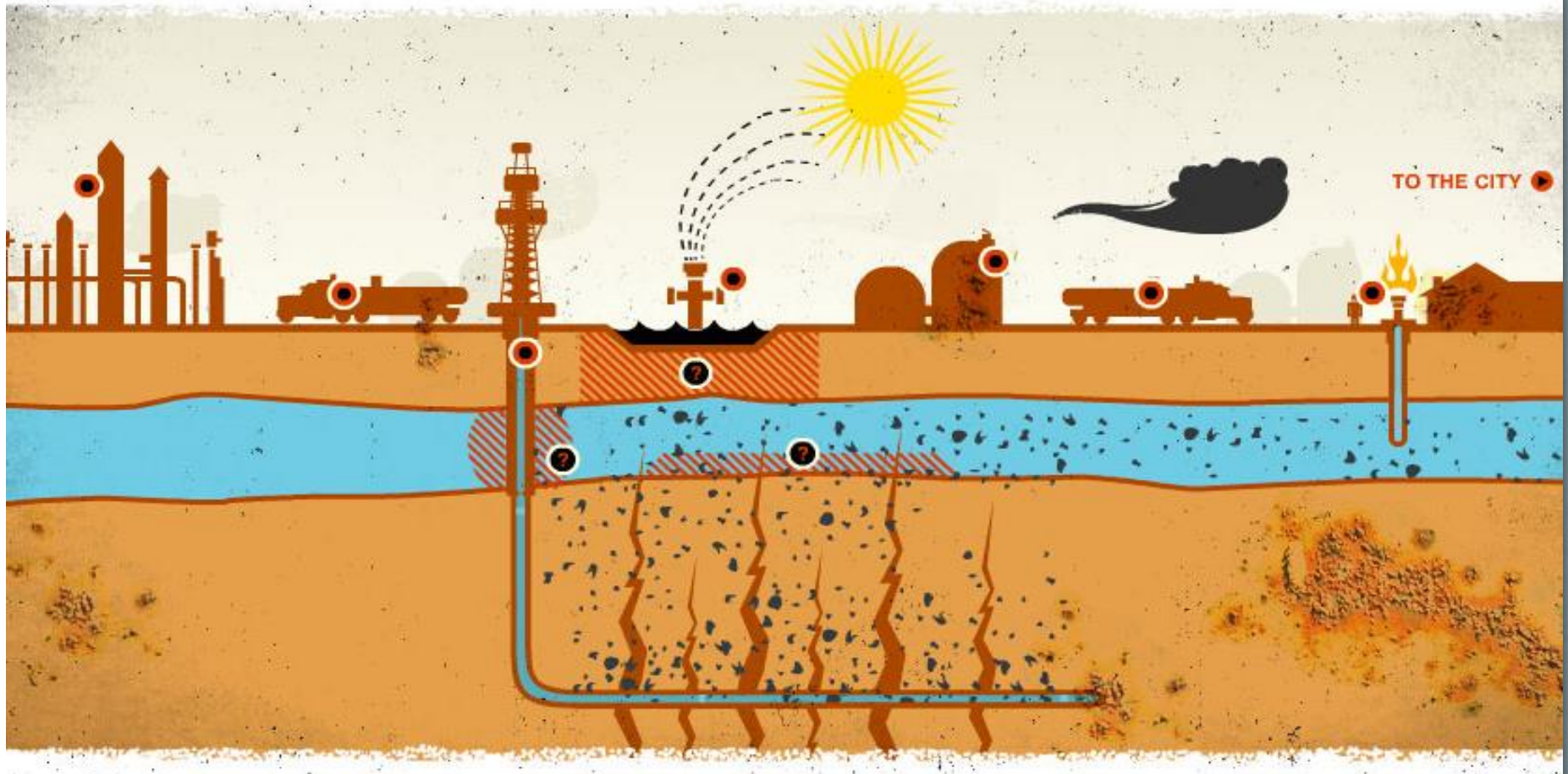




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Which course of action?

# fracking



# lab grown meat



# the PP debate

2 narratives

PP opposed to CBA

EU opposed to US



Cost-benefit analysis is a **tool for evaluating policy proposals**, in which the total expected **costs** of a proposed policy (including opportunity costs) are **weighed against** the total **expected benefits** in order to choose the best net outcome

# The critique

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PP < CBA

# The PP

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**does not provide guidance  
on what's best**

(exclusive focus on the **hazard**)

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it tends to overlook

**Benefits**

VS

**Risks**

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**Risks** vs **Risks**  
trade-offs

What are the risks of  
alternatives to X?

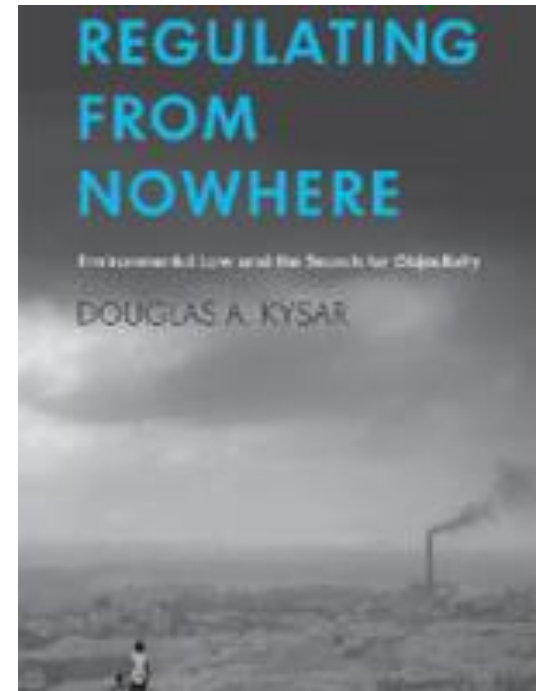
# The defence

PP > CBA

response to utilitarian nature of CBA

## Late lessons from early warnings: science, precaution, innovation

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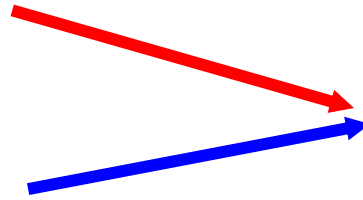




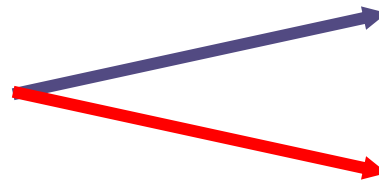
EU opposed to US

# Hypotheses for the evolution of US and EU relative precaution

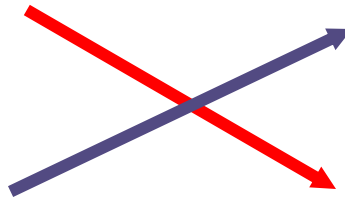
**Convergence**



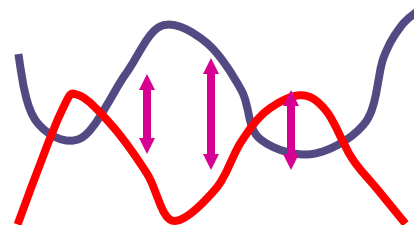
**Divergence**



**“Flip-Flop”**



**“Hybridization”**



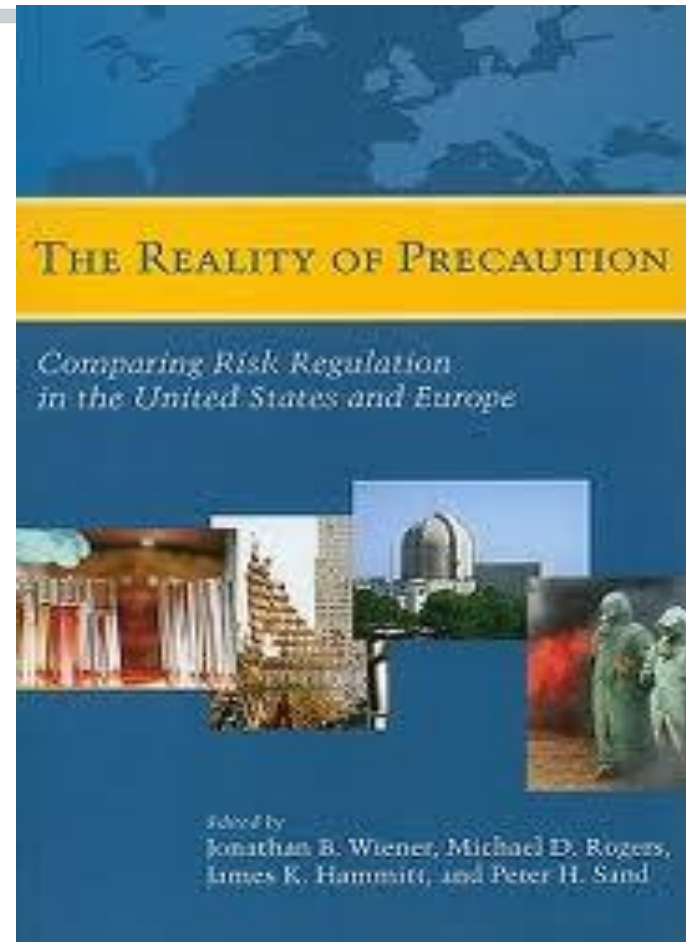
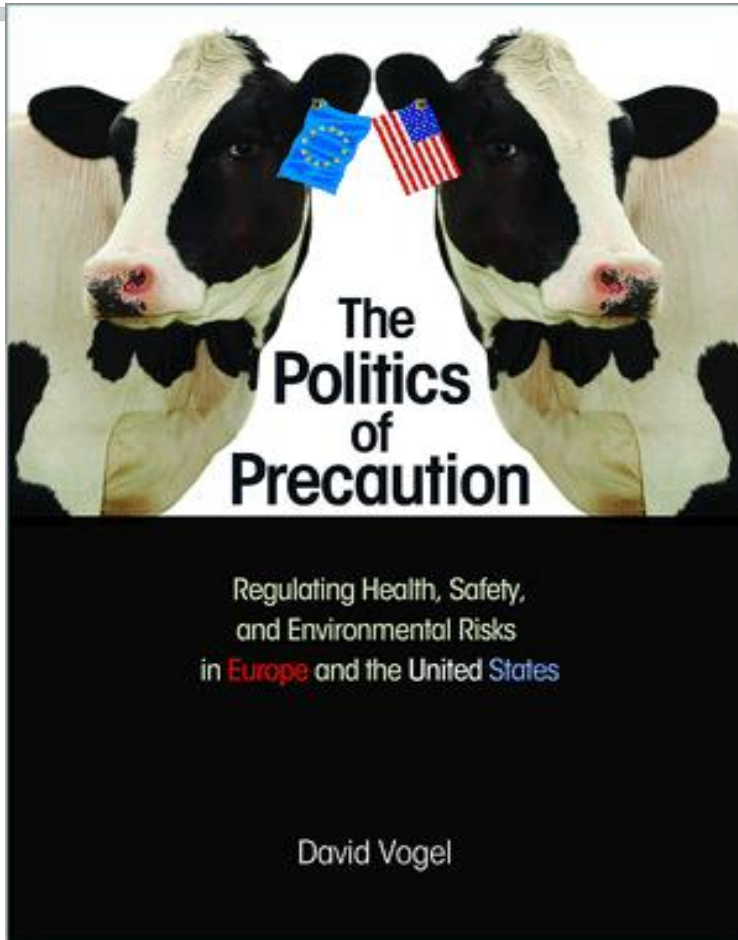
• EU risk-averse, US risk-taking? Or,

• US adversarial legalism, EU informal corporatist?

• US more PP in 1970s, EU more PP since 1990s

• Borrowing, learning (e.g. EIA, ET, BCA, TRI, PP)

• Heterogeneity across & within regulatory systems



PP // CBA

EU // US



PRECAUTIONARY

PRINCIPLE

# Precautionary Principle

is there to stay

(and likely to be increasingly invoked)

Need to avoid being abused  
by policy-makers when  
**communicating** about risks



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Need to (legally) frame its use

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Need to promote better  
understanding of underlying science

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Inject more transparency in the use  
of ‘science policies’

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Policy-makers should stick to those  
conditions

...and  
even if not  
epistemically capable...

Courts should not be afraid of  
judicially reviewing those conditions.

PP must enlighten also private  
endeavour