

Matthew D. Adler

*Risk, Death, and Time: A Comment on Judge Williams' Defense of Cost-Benefit Analysis*

53 Admin. L. Rev. 271 (2001)

Abstract by Lisa Hodes

In this article, the author supports Judge Williams's defense of agency use of cost-benefit analysis (CBA) to regulate environmental risks, but his support of CBA is weaker than the support from Judge Williams. The author argues that CBA should be used as a "cheap, accurate, and transparent" tool to aid government agencies in deciding which policies to promulgate. However, CBA's usefulness diminishes when confronted with policies that may cause premature death because CBA does not accurately account for death. Therefore, policymakers should be skeptical about using CBA.

The author offers a narrower question: whether CBA should be employed to evaluate fatal environmental risks. Two objections to using CBA are presented. First, longevity takes priority over human welfare. In other words, it is the quantity of life, not quality. Second, human welfare should not determine government policy in situations involving premature death. The author disagrees with both of these objections. Instead, the author argues that CBA should be supplemented in order to address these concerns.