The volumes on chemical regulatory law and practice fill an important gap in the literature on the subject, which has heretofore been either fragmented or overly general in nature.

There are a number of reasons for a treatise on “chemical regulation.” Chief among them are that the regulatory programs addressed in the treatise all affect a single industry, which accounts for a significant part of the U.S. economy, and that the kinds of issues addressed in all of the subjects covered are related and sometimes identical. Thus, whether one works in the affected industry or for the government, or is interested in or concerned about the nature of the risks chemicals present and how those risks are managed, this book should prove useful.

My approach has been to present a reasoned analysis of the covered regulatory programs as a whole. Rather than simply discuss statutory provisions and the case law, to which many others limit themselves, the treatise also deals with the agency rules and interpretive policies that implement what are sometimes only generalized statutory directives.

The treatise is intended to provide a broader and deeper understanding of a number of regulatory programs, each of which has traditionally been the province of a specialized subgroup of the bar, and for which no analytical overview has ever seriously been attempted. Hopefully, the user, whether lawyer or manager, will be able to gain a quick understanding of the nature of any issue that might arise, and find within this one reference either a resolution of the issue or a path to follow toward resolution. I have written the treatise in a way that seeks to avoid overuse of regulatory jargon, and have taken pains to explain the statutory and regulatory material in a way that demystifies it. The basic underlying mission is to elucidate rather than simply serve as a compendium of references.

Change in the law, often dramatic, is endemic to the field, as would be expected in any field that is interrelated with technology to the extent the chemical field is. This fact affects the approach to treatise writing. Most learned treatises on more stable subjects set forth what is essentially “settled law” on the subject and thereafter ruminate on often subtle
philosophical problems posed by it. Subsequent editions deal with microcosmic alterations of or exceptions to the settled principles. There are few such principles in the field of chemical law.

By contrast, I have, in this treatise, attempted to explain the origins of current law and regulations, and to discuss, where appropriate, the directions in which the law might be expected to go, given the state of science and the political pressures present in the society. I have also tried to indicate those issues that are likely to remain unsettled for a long period of time. If the reader seems frustrated with the apparent “unneatness” of the law, that frustration is well founded and consistent with the overall thrust of the book.

I should say a word about the scope of coverage of the various subjects in the treatise. An attempt to provide equal space to each of the covered topics would result in inadequate treatment of all of them; thus, I decided to cover the more active regulatory programs—which have not been dealt with in any detail in other, less generalized works—in the greatest detail.

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