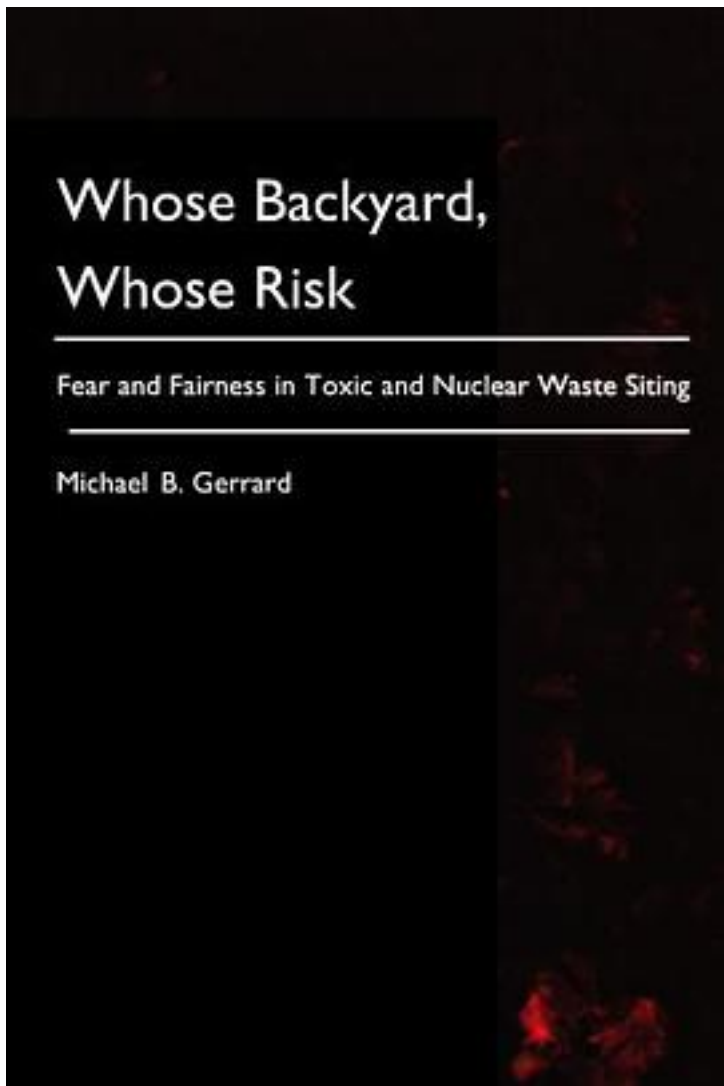


Whose Backyard, Whose Risk



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In *Whose Backyard, Whose Risk*, environmental lawyer, professor, and commentator Michael B. Gerrard tackles the thorny issue of how and where to dispose of hazardous and radioactive waste. Gerrard, who has represented dozens of municipalities and community groups that have fought landfills and incinerators, as well as companies seeking permits, clearly and succinctly analyzes a problem that has generated a tremendous amount of political conflict, emotional anguish, and transaction costs. He proposes a new system of waste disposal that involves local control, state responsibility, and national allocation to deal comprehensively with multiple waste streams. Gerrard draws on the literature of law, economics, political science, and other disciplines to analyze the domestic and international origins of wastes and their disposal patterns. Based on a study of the many failures and few successes of past siting efforts, he identifies the mistaken assumptions and policy blunders that have helped doom siting efforts. Gerrard first describes the different kinds of nonradioactive and radioactive wastes and how each is generated and disposed of. He explains historical and current siting decisions and considers the effects of the current mechanisms for making those decisions (including the hidden economics and psychology of the siting process). A typology of permit rules reveals the divergence between what underlies most siting disputes and what environmental laws actually protect. Gerrard then looks at proposals for dealing with the siting dilemma and examines the successes and failures of each. He outlines a new alternative for facility siting that combines a political solution and a legal framework for implementation. A hypothetical example of how a siting decision might be made in a particular case is presented in an epilogue.

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