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Book Reviews

FRANK B. CROSS, ENVIRONMENTALLY INDUCED CANCER AND THE LAW (Quorum, 1989). 229 pp. Figures, graphs, tables, bibliography and index. ISBN 0-89930-389-7; LC 88-38295. [\$45.00. 88 Post Road, Westport CT 06881.]

CHEMICAL CONTAMINATION AND ITS VICTIMS (David W. Schnare and Martin.T. Katzman, eds., Quorum, 1989). 180 pp. Figures, tables and index. ISBN 0-89930-428-1; LC 88-37436. [\$45.00. Address above.]

THE ROLE OF SCIENCE IN TOXIC TORT LITIGATION: EVALUATING CAUSATION AND RISK (Tort and Insurance Practice Section, American Bar Association, 1989). 176 pp. Tables. Paperback. ISBN 0-89707-502-1; LC 89-46282. [Members \$34.95, nonmembers \$39.95. 750 N. Shore Dr., Chicago IL 60611.]

Each of these books address toxic tort litigation. The Quorum books also discuss public regulation of toxic substances.

Cross' treatment is well integrated and comprehensive. After a technical overview (two chapters), he tries to show that many public fears are overblown and that the most serious risks are posed by things which individuals control (e.g., tobacco). Yet, he also tries to demonstrate that zero-tolerance levels for carcinogens, e.g., the Delaney clause, are supportable insofar as it has been impossible to find minimum thresholds.

Having laid a technical foundation, Cross then discusses the federal regulation of carcinogens (in 4 chapters) and common law liability for environmental carcinogens (in 3 chapters). Regarding the latter, he

suggests that easier recovery in private actions would be an effective supplement to regulation. This is offset by recognizing the need for control of punitive damages — lest early victims leave nothing for later recovery.

CHEMICAL CONTAMINATION AND ITS VICTIMS covers much the same territory and is well balanced. The introduction and selection of well-written essays reflect open-minded concern about "a maze and a labyrinth of issues and institutions." Thus, one essay bewails victims' difficulty in getting compensation, whereas another cites instances in which unwarranted damages may be received.

Yet the conclusion is unsatisfying. It argues for "uncoupling compensation and deterrence regimes for chemical agents" with little indication of the means. Moreover, two premises seem to underlie some of the ideas: (1) that the threat of tort liability deters desirable chemical innovation more than, e.g. premarket regulatory approval, and (2) that regulatory action is an effective deterrent to socially unacceptable conduct. Neither is adequately explored.

Nevertheless, this well-produced volume merits close examination.

THE ROLE OF SCIENCE IN TOXIC TORT LITIGATION will appeal to a small audience — which partially accounts for its expense. It contains mostly photocopies of typewritten papers presented at a 1988 meeting of the ABA Tort and Insurance Practice Section. Contents range from an annotated outline to a reprint of a SCIENCE article — the latter, not appearing in the table of contents.

Some practicing attorneys will find the book's cost insignificant given the stakes. However, non-lawyers will find it less useful, and, even law libraries will probably want treatises which show more editorial control and have been better produced.