

The Preemption War

When Federal Bureaucracies Trump Local Juries

Thomas O. McGarity

Most people are unaware of a quiet war that has been raging for the last decade in the courts, federal regulatory agencies, and Congress—a war over federal agency preemption of state common law claims. But the outcome of these battles will affect us all, says regulatory law expert Thomas O. McGarity, and consumers stand to be the biggest losers. In this comprehensive and balanced book, McGarity takes up for the first time this increasingly important subject. He shows how preemption affects the way citizens are protected from harm and companies are held accountable for damage they unlawfully cause.

The book offers scholars and policymakers a full analysis of the legal and policy issues under debate, and it brings into sharp focus the impact of preemption on the lives of people involved in actual lawsuits. McGarity highlights the arguments for and against preemption and suggests guidelines for resolving difficult issues in a variety of contexts.

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THOMAS O. McGARITY is Joe R. and Teresa Lozano Long Endowed Chair in Administrative Law, University of Texas School of Law. He lives in Austin. A former Articles Editor of the *Texas Law Review*, Professor McGarity is a leading scholar in the fields of both administrative law and environmental law. He also teaches torts. He has written three influential books: *Workers at Risk* (Praeger, 1993) (co-author), *The Law of Environmental Protection* (West, 2nd ed., 1991) (co-author), and *Reinventing Rationality: The Role of Regulatory Analysis in the Federal Bureaucracy* (Cambridge, 1991). His recent articles include "On the Prospect of Daubertizing Judicial Review of Risk Assessment" (*Law & Contemporary Problems* 2003). He is a board member of the Center for Progressive Reform.

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