



Cass Sunstein

To the dismay of some environmentalists, the Senate confirmed Cass Sunstein as “regulatory czar” today. An undeniably brilliant scholar, Sunstein is a long-time advocate of cost-benefit analysis as a check on overly zealous risk regulation. (Unfortunately, his views of regulation figured much less in the public debate than a [frenzied campaign](#) to mobilize hunters, gun owners, and farmers to oppose him because of his views on animal rights.) He has called for giving OMB expanded powers to bring the government into compliance with the principles of cost-benefit analysis. Sunstein has also endorsed some questionable methodologies such as the use of years-of-life rather than numbers of lives in evaluating risk regulations. Sunstein writes, “Other things being equal, a program that protects young people seems far better than one that protects old people, because it delivers greater benefits.” The economic basis for this position is shaky at best. But Sunstein may well be open to argument on methodological issues, as shown by his jacket endorsement of *Retaking Rationality* - a recent book providing a regulation-friendly vision of cost-benefit analysis — as a “truly superb contribution to the debate over cost-benefit analysis.”

It remains to be seen how influential Sunstein will be in shaping the Obama administration’s regulatory agenda. But it would be a mistake to assume either that his views of cost-benefit analysis will necessarily control that agenda or that his views themselves are carved in stone.