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Losing Ground: Nation on Edge

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ARTICLES

Losing Ground: A Nation on Edge

by John R. Nolon and Daniel B. Rodriguez

America builds on the edge of disaster prone areas: on moveable barrier islands, fragile coastal ecosystems, shorelines subject to inundation, and next to flammable forests. Ferocious storm events focus attention during the tragic moment and as short-term recovery efforts proceed; too often, we then return to business as usual, continuing to build and rebuild on the edge. This series of Articles draws from our book *Losing Ground: A Nation on Edge*. The volume collects papers from a variety of disciplines: law, history, geography, environmental science, and urban planning. The authors review past policies and practices, the lessons learned from previous disasters, current approaches to disaster planning and recovery, an assessment of the proper roles and responsibilities of various levels of government in the federal system, and freshly minted legal and technological tools. The book and these Articles provide perspectives and prescriptions for longer term disaster mitigation planning and action.

The approach of governments in the United States to dealing with cataclysmic disasters has been ineluctably shaped by two recent events: the September 11, 2001, terrorist attacks on targets in New York and Washington, D.C., and Hurricane Katrina in late summer 2005. Though fundamentally distinct, these tragedies remind us that we are, in alarmingly many respects, underprepared for powerful disasters. This lack of preparation is seldom attributable to a failure of will; nor is the failure of governments to provide adequate financial resources the essential problem. After all, disaster response and relief are complex policy problems, raising intersecting puzzles and calling for careful analysis, not simple prescriptions or overheated rhetoric.

If there is an overarching philosophy of disaster mitigation and relief, it is essentially this: government ought to respond rapidly, compassionately, and efficiently to minimize, and ultimately help compensate for, the injuries and other losses incurred by well-meaning citizens resulting from acts of God. Phrased this way, we can see that the structure of government response is profoundly ex post-directed; that is, it is focused on what efforts governmental institutions can properly and efficaciously make to respond to the damage wrought by disasters after they happen. Typically, much less effort and energy goes into the ex ante questions; that is, questions concerning how public policy can shape the landscape (here we mean the term in both its figurative and literal sense) to ameliorate the consequences of inevitable disasters. To be sure, disaster relief and disaster mitigation are not inextricably separate matters. The opaque, yet central, question: "What is to be done?" subsumes issues concerning how government best manages public authority and private resources in order to avoid the perils of disasters as well as issues concerning how government best responds to the damage wrought by such perils. Pre- and post-disaster policies are linked in important and obvious ways. Yet, the focus on disaster recovery and relief can take our minds off the tough matter of how best to design governmental policies to reduce the consequences of natural disasters.

The primary objective of our book is to refocus attention on the mitigation element of this enduring debate. The chapters in this edited volume grow out of our multiyear program entitled *Nation on Edge*. The purpose of this program was to draw together leading scholars and practitioners in a collective conversation on the subject of disaster mitigation; that is, on questions of how government can better manage private and public decisionmaking and can more effectively regulate the use of private property in order to curtail damage from inevitable disasters. Our book stands alongside the expanding collection of government reports, essays, and books concerned with "fixing" the holes in our systems of disaster relief and recovery.

Since the advent of our Losing Ground project nearly five years ago, society has learned much about climate change, its causes, and its worrisome consequences. Climate change brings with it the risk of even more disasters of increasing frequency and intensity. Where we build not only determines whether our settlements will be exposed to these disasters, but also the extent to which our land use patterns exacerbate climate change. The land, building, water, and carbon footprints of living on the edge are deep indeed. Our homes, workplaces, malls, and public buildings—and our travel from one to the other—result in an average of over 25 metric tons of carbon dioxide emission per capita. We now understand that the strategic choices discussed by the articles written for *Losing Ground: A Nation on Edge* are equally relevant for reshaping human settlements to reduce carbon emissions, stormwater runoff, surface and ground water pollution, and energy consumption in the built environment. While there is much more to be learned, we are pleased to present the Articles in this issue of the *Environmental Law Reporter's News & Analysis* and the book itself as a contribution to this critical dialogue about where and how we live on the land.

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[Editors' Note: This issue of Environmental Law Reporter News & Analysis *is devoted to excerpts from* Losing Ground: A Nation on Edge*, edited by John R. Nolon & Daniel B. Rodriguez, which can be ordered by calling 800-433-5120 or through the ELI website at http://www.eli.org.]*