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The analysis of the Environment, Health and Safety Publications (OECD) and the reflections on the risk assessment of future damages

Abstract *

The use of nanoscale is currently growing. There is no state legislative regulation on the matter. There is the rise of self-regulation, as well as the creation of norms by other social actors. The System of Law needs to enter in the context of innovation, granting legal effects to this regulatory production. The temporality of the new forms of regulation and the ability to deal with future risks and damages represent other challenges for the legal area. Based on the 80 documents of the OECD “Series on the Safety of Manufactured Nanomaterials”, is to analyze the perception of risks and the way that the juridicization of the unknown future damages that might be generated from the manipulation of the nanoscale, especially in relation to human health and the preservation of the environment. The functionalist method will be used in a systemic-constructivist perspective, Risk Theory (Luhmann), and content analysis (Bardin). Comprehensive keywords were used to enable data collection in the 80 documents, which are: “risk”, “environmental safety” or “environment”, “human health” and “manufactured nanomaterial”. With these keywords is intended to evaluate the perception of the risks of nanomaterials in the mentioned documents in relation to the environment and human health. For this reason it is important to structure a framework as a model of self-regulation to deal with the risk management for nanotechnology companies to gather information and help decision-making about future and uncertain damages.

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Affiliations and Authors *

Author Information

Wilson Engelmann (Presenting)

Affiliations

University of Vale do Rio dos Sinos - UNISINOS, São Leopoldo, Brazil