

**Applicability of the “precautionary principle”
in risk administration in Japan:
From the viewpoint of legal policy in environmental administration**

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This paper focuses on the precautionary principle, one of the basic principles of environmental law. From the perspective of legal policy in environmental administration, it examines the definition, significance, and origin of the precautionary principle based on historical changes. In addition, this paper compares and examines the characteristics of the precautionary principle and the preventive principle, and shows the essential commonalities and differences between the two. Furthermore, this paper surveys the positions and trends of the European Union and the United States regarding precautionary measures, including the precautionary principle in risk administration. Based on a review of previous studies, this paper examines the current situation and issues regarding the policy application of the precautionary principle in Japan. As a result, this paper suggests that (1) a reexamination of the transformation process of burden of proof, (2) the transformation of uncertainty, and (3) a policy mix based on the precautionary principle and “nudge” will become important factors in the future applicability of the precautionary principle in Japan.