

From: [Scott Cooper](#)
To: [Emily Bremer](#)
Subject: FW: PHMSA workshop
Date: Thursday, July 12, 2012 12:49:42 PM
Attachments: [PHMSA comment letter.pdf](#)

Emily,

In case you hadn't seen this from Prof Strauss...

He leads again with his "guidance" theory as an alternative to IBR. He also quotes at great length that very strange book he threw at us on "The New Global Rulers", that attempts to make the case that Europe has a more efficient global standards approach than the US because it is hierarchical and speaks with one voice...

And he ends with a quote (out of context I believe) from "Outsourcing Sovereignty" on "delegations of public power to private hands [undermine] the power to govern." Paul's book is much more nuanced than that. 1) "The perspective is not antiprivatization. The author has long favored deregulation and the values of efficiency" [p 6]; and 2), "These delegates should be required to provide sufficient process to third parties as a means of assuring constitutional accountability". [p. 89]

I would rather have thoughtful and provocative (Strauss) than theatrical and provocative (Malamud), but not yet sure that provocative in any form will lead willingly to practicable consensus...

Best
Scott

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From: Peter Strauss [mailto:strauss@law.columbia.edu]
Sent: Thursday, July 12, 2012 11:53 AM
Subject: PHMSA workshop

For your information, here are some comments I have just uploaded to the docket for the PHMSA workshop tomorrow.

(See attached file: PHMSA comment letter.pdf)

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