

Plain-Language Summary of the Price-Anderson Act (PAA)

Prepared for community education and article background

The **Price-Anderson Act (PAA)** is a federal law that controls many lawsuits involving radiation or nuclear contamination. In simple terms, it tells courts when a case involving radioactive materials must be treated as a special federal case called a **public liability action**. Once that happens, the case may no longer move forward under broader state-law theories alone. Instead, the court asks whether the plaintiff's injuries fit within the categories recognized by the statute.

The key language comes from **42 U.S.C. § 2014(q)**, which defines a “nuclear incident” as an occurrence causing **bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property**, arising out of radioactive or other hazardous nuclear materials. In practice, that means the PAA is often much narrower than what ordinary people might think of as real harm. Fear, stigma, anxiety, or reduced property value may be serious harms in real life, but courts may say they do not count unless they are tied to one of the statute's listed categories.

What kinds of harm usually count under the PAA?

- **Bodily injury / sickness / disease / death:** present, medically real physical harm such as diagnosed illness, radiation-related disease, or death.
- **Damage to property:** actual harm to land, a house, or other property, not just a drop in market value.
- **Loss of use of property:** situations where property cannot be safely or normally used because of contamination or related restrictions.

What often does not count by itself?

- **Fear of future illness** without a present diagnosed physical condition.
- **Medical monitoring alone** for people who are not currently sick.
- **Emotional distress alone** if it is not tied to a recognized physical injury.
- **Property-value stigma alone** if there is no qualifying property damage or legally recognized loss of use.

Why the law matters so much

The PAA can decide whether a courthouse door is open wide enough for a community to seek justice, or narrow enough to shut people out. If a court decides the Act applies, then plaintiffs may lose even when they can show fraud, contamination concerns, emotional distress, or serious economic damage—unless those harms fit the statute’s specific injury categories. That is why the PAA became so important in the Hunters Point litigation.

Why communities find the PAA controversial

Critics argue that the PAA was designed for the nuclear industry and can make it harder for residents to recover for the full human and economic impact of contamination. Supporters say the law creates a uniform system for handling nuclear claims. In communities like Bayview Hunters Point, the controversy is especially sharp because residents may feel that real harms—fear, stigma, loss of value, and years of uncertainty—are being treated as legally invisible.

Key sources

[42 U.S.C. § 2014 \(Definitions\)](#)

[Pennington v. Tetra Tech summary judgment order](#)

[In re Berg Litigation \(9th Cir.\)](#)

[In re Hanford Nuclear Reservation Litigation \(9th Cir.\)](#)

[Arnold & Porter overview of circuit split under the PAA](#)

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