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ACADEMIC EMPLOYMENT

January 1994 to the present:

Professor of Law (1999-present) and Associate Professor (1994-1999), University of Maryland School of Law

Overall Responsibilities

Responsible for teaching courses in the regulatory system, environmental law and science, a survey of environmental law, and first-year legal methods and contracts.

May 2003 to present

**Founder, Member of the Board, and President (beginning January 1, 2008)
Center for Progressive Reform**

CPR is an organization of academics specializing in the legal, economic, and scientific issues that surround federal regulation. The Center's web site is www.progressiveregulation.org.

July 2001 to July 2002 (sabbatical year):

Academic Fellow, Natural Resources Defense Council (NRDC)

Fellow in residence to assist NRDC in responding to proposals to (1) reinvent environmental regulation, from the increased consideration of "sound" science in agency decision-making to the substitution of "cap and trade" systems for traditional pollution controls and (2) advocate for transparent and open government in the context of the Homeland Security Act's critical infrastructure information provisions.

1996-1998:

Project Manager, Development of a Curriculum to Teach Scientific Principles Involved in Risk Assessment to Lay Environmental Professionals.

The curriculum was developed under a \$140,000 grant from EPA, in collaboration with Dr. Linda Greer, a senior environmental toxicologist at the

Natural Resources Defense Council. Its purpose is to teach science to lay people active in environmental decision making by considering scientific principles in a context informed by the legal and policy issues that science is required to resolve. It is designed to offer 30 hours of instruction and consists of nine lectures covering (1) chemicals in the environment; (2) chemical fate and transport; (3) assessing chemical releases; (4) fate and transport models; (5) consequence assessment through toxicology; (6) consequence assessment through epidemiology; (7) consequence assessment through ecotoxicology; (8) risk assessment; and (9) pollution control. Each lecture culminates with a class exercise that applies the scientific concepts learned in each lecture to a single, recurring scenario involving the remediation of a brownfields site.

1998-1999:**Reporter, U.S. EPA Title VI Implementation Advisory Committee.**

Author of a report explaining the deliberations of this subcommittee of "stakeholders" concerned about the application of federal prohibitions on discrimination to environmental permitting decisions.

PRACTICAL EMPLOYMENT**1987 to 1994:****Partner (1989 to 1994) and of counsel (1987 to 1989, and 1994), Spiegel and McDiarmid, Washington, D.C.**

Partner in charge of the environmental practice for a 45-lawyer firm representing approximately 400 cities, counties, states, and public agencies in the energy, environmental, communications, and transportation fields. The practice counseled federal, state, and municipal clients regarding compliance with federal and state laws and regulations and represented them in resolving federal enforcement actions, as well as cases alleging their liability under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).

1983 to 1987:**Staff Counsel, Subcommittee on Commerce, Transportation, and Tourism of the Energy and Commerce Committee, U.S. House of Representatives (James J. Florio, Chairman).**

Primary staff person responsible for legislation that became the "Superfund Amendments and Reauthorization Act of 1986" (Public Law 99-499) and the "Asbestos Hazard Emergency Response Act" (Public Law 99-519). Also prepared legislation to reauthorize the Toxic Substances Control Act during the 98th

Congress. Responsibilities included drafting bills, Committee reports, other legislative history, and legal and policy memoranda; advising the Subcommittee chairman and other members during Committee mark-ups, floor debate, and Conference deliberations; staffing legislative and oversight hearings; speechwriting and press relations.

1979 to 1983:

Attorney Advisor to Commissioner Patricia P. Bailey, Federal Trade Commission.

Senior legal advisor to the Commissioner concerning consumer protection matters including the issuance of complaints, acceptance of consent agreements, and the disposition of trade regulation rules. Drafted opinions resolving administrative litigation. Served as legislative liaison during congressional consideration of bills to eliminate the FTC's antitrust jurisdiction over the medical professions; legislative veto of the Used Car Rule; and oversight of the FTC's implementation of its consumer protection authority.

1979:

Assistant to the Director, Albert H. Kramer, Bureau of Consumer Protection, Federal Trade Commission.

Assisted the bureau director in supervising the work of staff attorneys and formulating recommendations to the Commission concerning trade regulation rules and enforcement cases. Areas of expertise included credit practices, appliance labeling, funeral industry practices, and advertising practices. Served as legislative liaison during congressional oversight of the FTC's implementation of its consumer protection authority.

1976 to 1979:

Staff Attorney, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission.

Enforcement attorney in cases involving credit and insurance industry members' practices covered by the Federal Trade Commission Act, the Truth in Lending Act, the Equal Credit Opportunity Act, and the Fair Credit Reporting Act.

EDUCATION

Columbia Law School, New York City, New York
J.D. received in May 1976
Harlan Fiske Stone Scholar 1974-1976

University of Wisconsin, Madison, Wisconsin
B.A. in European history, with honors, June 1971

ADMITTED TO PRACTICE

Maryland
District of Columbia

SERVICE

2002-present: Board member and president, Center for Progressive Reform

2006 to 2008: Board member, Potomac Riverkeeper

1999 to present: Chair (1999-2001, 2010-2011) and member, University of Maryland Law School Curriculum Committee

1998 to 2001: Member, Steering Committee, District of Columbia Bar, Section on Energy, Natural Resources, and the Environment.

1998 to 2001: Member, Environment Section Steering Committee, American Association of Law Schools.

1994 to 1999: Member, University of Maryland Law School Appointments Committee

PUBLICATIONS

Lessons from the North Sea: Should “Safety Cases” Come to America?, 38 B. C. ENVTL. AFF. L. REV. 417 (2011)

The Truth About Regulation, HARV. L. & POL’Y REV. (forthcoming 2011)

The Case for Abolishing Centralized White House Regulatory Review, MICH. J. OF ENVTL. & ADMIN. L. (forthcoming 2011)

Too Big to Obey: Why BP Should Be Debarred, WILLIAM & MARY ENVTL. L. & POL’Y REV. (forthcoming 2011) (with Anne Havemann)

THE PEOPLE’S AGENTS AND THE BATTLE TO PROTECT THE AMERICAN PUBLIC, SPECIAL INTERESTS, GOVERNMENT, AND THREATS TO HEALTH, SAFETY, AND THE ENVIRONMENT (2010) (with Sidney Shapiro)

High Crimes, not Misdemeanors: Deterring the Production of Unsafe Food, 20 HEALTH MATRIX 175 (2010)

The Constitution and Our Debt to the Future, in BEYOND ENVIRONMENTAL LAW: POLICY PROPOSALS FOR A BETTER ENVIRONMENTAL FUTURE (Alyson Flournoy & David Driesen eds., 2010)

Capture, Accountability, and Regulatory Metrics, 86 TEX. L. REV. 1741 (2008) (with Sidney A. Shapiro)

MOTHER EARTH AND UNCLE SAM: HOW POLLUTION AND HOLLOW GOVERNMENT HURT OUR KIDS (2007)

Will Superfund Rise Again?, 23 ENVTL. F. 28 (2007)

The People’s Agent: Executive Branch Secrecy and Accountability in an Age of Terrorism, 69 DUKE J. L. & CONTEMP. PROBS. 99 (2006) (with Sidney Shapiro)

The Legacy of John Graham: Strait-Jacketing Risk Assessment, RISK POL’Y ALERT, May 23, 2006

RESCUING SCIENCE FROM POLITICS: REGULATION AND THE DISTORTION OF SCIENTIFIC RESEARCH (Wendy Wagner & Rena Steinzor eds., 2006)

A NEW PROGRESSIVE AGENDA FOR PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT (Christopher Schroeder & Rena Steinzor eds., 2004)

A Perfect Storm: Mercury and the Bush Administration, Part II, 34 ENVTL. L. REP. 10,485 (2004) (with Lisa Heinzerling)

A Perfect Storm: Mercury and the Bush Administration, 34 ENVTL. L. REP. 10,297 (2004) (with Lisa Heinzerling)

Pragmatic Regulation in Dangerous Times: A review of Sidney A. Shapiro and Robert L. Glicksman, Risk Regulation at Risk, Restoring a Pragmatic Approach, 20 YALE J. ON REG. 407 (2003)

“Democracy Dies Behind Closed Doors:” The Homeland Security Act and Corporate Accountability, 12 KAN. J.L. & PUB. POL’Y 641 (2003)

The Unplanned Obsolescence of American Legal Education, 75 TEMP. L. REV. 447 (2002) (with Alan D. Hornstein)

Toward Better Bubbles and Future Lives: A Progressive Response to the Conservative Agenda for Reforming Environmental Law, 32 ENVTL. L. REP. 11,421 (2002)

“You Just Understand!”—The Right and Left in Conversation, 32 ENVTL. L. REP. 11,109 (2002)

Bad Science, ENVTL. F., Jan./Feb. 2002, at 28 (with Linda Greer).

EPA and Its Sisters at Thirty: Devolution, Revolution, or Reform?, 31 ENVTL. L. REP. 11,086 (2001)

Myths of the Reinvented State, 29 CAP. U. L. REV. 223 (2001)

The Corruption of Civic Environmentalism, 30 ENVTL. L. REP. 10,909 (2000)

Devolution and the Public Health, 24 HARV. ENVTL. L. REV. 351 (2000).

Reinventing Environmental Regulation Through the Government Performance and Results Act: Are the States Ready for the Devolution?, 29 ENVTL. L. REP. 10,074 (1999)

The Legislation of Unintended Consequences, 9 DUKE ENVTL. L. & POL’Y F. 95 (1998)

Reinventing Environmental Regulation via the Government Performance and Results Act: Where’s the Money?, 28 ENVTL. L. REP. 10, 563 (1998) (with William F. Piermattei)

Reinventing Environmental Regulation: Back to the Past by Way of the Future, 28 ENVTL. L. REP. 10,361 (1998)

Reinventing Environmental Regulation: The Dangerous Journey from Command to Self-control, 22 HARV. ENVTL. L. REV. 103 (1998)

In Defense of the Superfund Liability System: Matching the Diagnosis and the Cure, 27 ENVTL. L. REP. 10,286 (1997) (with Dr. Linda Greer)

Regulatory Reinvention and Project XL: Does the Emperor Have Any Clothes?, 26 ENVTL. L. REP. 10,527 (1996)

Unfunded Environmental Mandates and the “New (New) Federalism” : Devolution, Revolution, or Reform, 81 MINN. L. REV. 97 (1996)

The Reauthorization of Superfund: Can the Deal of the Century Be Saved?, 25 ENVTL. L. REP. 10,016 (1995)

The Reauthorization of Superfund: The Public Works Alternative, 25 ENVTL. L. REP. 10,078 (1995)

SELECTED PRESENTATIONS (2006-present)

Testimony, “Evaluating the Science and Process behind Chemical Risk Assessment,” Committee on Science, Space, and Technology, Subcommittee on Investigations and Oversight (July 14, 2011)

Testimony, “The American Energy Initiative Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011,” Committee on Energy & Commerce, Subcommittee on Energy & Power (April 8, 2011)

Testimony, “Environmental Regulation, the Economy, and Jobs,” House of Representatives: Committee on Energy and Commerce, Subcommittee on Environment and Economics, Washington, D.C. (February 15, 2011)

Interview, “It’s a Free Country, “Obama’s New Stance on Competitiveness and Regulation.” WNYC (January 24, 2011)

Panelist, “EPA Ruling the World: the 800-pound Gorilla?,” Federalist Society National Lawyers’ Convention, Washington, DC (November 20, 2010)

Panelist, “Lessons from the North Sea,” Conference on Learning from Disaster: Lessons for the Future from the Gulf of Mexico Environmental Affairs Law Review Symposium Boston College School of Law, Boston, Massachusetts (November 12, 2010)

Participant, with conservative John Baden, in a debate: “Why People Need Government”, Federalist Society, George Mason University, Arlington, VA (September 28, 2010)

Guest Lecturer, “Saving Science from Politics”, Georgetown University Medical School, Department of Microbiology, Presentation to Class of Masters in Science Students enrolled in Multidisciplinary Course, Washington, DC (September 14, 2010)

Panelist, “Regulatory Change under the Obama Administration,” Regulatory Changes in the Environmental Sector, American University Washington College of Law Conference, Washington, DC (February 16, 2010)

Panelist, “Obama’s Regulatory Agenda: A One-Year Retrospective,” Penn Program on Regulation, University of Pennsylvania Law School, Philadelphia, Pennsylvania (January 26, 2010)

Panelist, “In Search of Impartial Science: An Agenda for the New EPA,” Environmental Law Institute, Washington, DC (October 6, 2009)

Testimony, “The Role of Science in Regulatory Reform,” Hearing before the U.S. House of Representatives Science and Technology Committee Subcommittee on Oversight and Investigations, Washington, DC (April 30, 2009)

Participant, Research Roundtable on Environmental, Health, and Safety Risks of Emerging Technologies, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law, Chicago, Illinois (April 23-24, 2009)

Keynote Address on “The Rebirth of Environmentalism,” Public Interest Environmental Law Conference, University of Florida, Gainesville, Florida (February 27, 2009)

Panelist, “Government Performance and Results Act, Regulatory Metrics, and Government Accountability,” 2008 ABA Administrative Law Conference, Washington, DC (October 17, 2008)

Presenter, “Capture, Accountability, and Positive Metrics,” (written with Professor Sidney Shapiro, Wake Forest Law School), Texas Law Review Symposium on Harnessing Information, Austin, Texas (February 1, 2008)

Speaker, National Academies Committee on Science, Engineering, and Public Policy Committee on Ensuring the Utility and Integrity of Research Data, Washington, DC (December 10, 2007)

Speaker, “Rescuing Science from Politics,” Oxford Marine Laboratory, Oxford, Maryland (October 25, 2007)

Speaker, “Rescuing Science from Politics,” Chesapeake Biological Laboratory (May 23, 2007)

Speaker, “Rescuing Science from Politics: The ‘Sound Science’ Assault and What It Means to You,” Manta Noon Seminar, Maryland Department of Natural Resources, University of Maryland College Park, (December 14, 2006)

Speaker, “In Fairness to Future Generations,” University of Florida Levin College of Law Twelfth Annual Public Interest Environmental Conference, Gainesville, Florida (March 11, 2006)