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Education

University of Pennsylvania Law School, J.D., *summa cum laude*, 1991
Associate Editor, University of Pennsylvania Law Review

Honors:

Public Interest Fellow (full tuition scholarship)
Benjamin R. Jones Award for Outstanding Contribution to the Public Interest
Fred G. Leebron Memorial Prize for Best Paper on Constitutional Law
John J. Maurer Memorial Prize for Criminal Law
Order of the Coif

Swarthmore College, B.A. May 1984
Major: Biology

Employment

Temple University, Beasley School of Law, Philadelphia, PA. July 2001 to present. James E. Beasley Professor of Law. Teach courses in environment, natural resources, climate change, and property law.

Temple University Beasley School of Law and Tsinghua University Master of Laws Program, Beijing China. Fall 2007. Taught environmental law and property.

University of Pennsylvania Law School, Philadelphia, PA. Fall 2004. Visiting Professor. Taught property and an environmental law seminar.

Citizens for Pennsylvania's Future, Philadelphia, PA. September 1999 to July 2001. Senior Counsel. Environmental litigation on behalf of PennFuture and other citizens' and environmental groups.

Earthjustice Legal Defense Fund (formerly Sierra Club Legal Defense Fund), Seattle, WA. September 1997 to Aug. 1999. Associate Attorney. Federal environmental litigation focusing on natural resource issues.

Community Legal Services, Philadelphia, PA. September 1996 – August 1997.
Staff Attorney. Represented parents in civil child abuse/neglect proceedings.

Chief Judge Dolores K. Sloviter, U.S. Court of Appeals for the Third Circuit.
Philadelphia, PA. September 1995 – September 1996. Judicial Law Clerk.

Skadden Fellow, Community Legal Services, Philadelphia, PA. Sept. 1993 – Sept.
1995. Staff Attorney. Litigation and advocacy on behalf of welfare recipients seeking
job training and education.

Chief Judge John F. Gerry, U.S. District Court for the District of New Jersey, Camden,
N.J. Sept. 1991 – Sept. 1993. Judicial Law Clerk.

Selected Publications

The Problem of Unquantified Benefits, 49 ENVTL. L. — (forthcoming 2019).

A Human Rights Framework for the Anthropocene, GLOBAL CLIMATE CONSTITUTIONALISM
(Jordi Jaria i Manzano & Susana Borrás Pentinat, eds. (forthcoming, Elgar).

Lessons from Environmental Regulation, in SPECIAL REPORT: GOVERNANCE OF EMERGING
TECHNOLOGIES: ALIGNING POLICY ANALYSIS WITH SOCIAL VALUES (Greg Kaebnick, ed.
Hastings Center, 2018), available at: [https://www.thehastingscenter.org/publications-
resources/special-reports-2/governance-emerging-technologies-aligning-policy-analysis-public-
values/](https://www.thehastingscenter.org/publications-resources/special-reports-2/governance-emerging-technologies-aligning-policy-analysis-public-values/).

A “Cost-Benefit State?” Reports of Its Birth Have Been Greatly Exaggerated, 46 ENVTL. L. REP.
10,933 (2016)

Cost-Benefit Analysis in EDWARD ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW, VOL II,
ENVIRONMENTAL DECISION MAKING (Glicksman & Paddock, eds.) (2016)

Windmills and Holy Grails, 19 N.Y.U. J. Legis. & Pub. Pol’y 281 (2016)

Supreme Court Remains Skeptical of the “Cost-Benefit State,” THE REGULATORY REVIEW (Sept.
26, 2016)

Formality and Informality in Cost-Benefit Analysis, 2015 UTAH L. REV. 93

Cost-Benefit Analysis, Ben Franklin, and the Supreme Court, 4 U.C. IRVINE L. REV. 1175 (2014)

Shifting the Domestic and International Logjams on Climate Change: A New Defense of Cap and Dividend, 19 TULANE J. INTL. & COMP. L. 79 (2010)

Allocating the Costs of the Climate Crisis: Efficiency versus Justice, 85 WASH. L. REV. 293 (2010)

The Abandonment of Justice and Toward Distributional Justice (with Carl Cranor) in ECONOMIC THOUGHT AND U.S. CLIMATE CHANGE POLICY (David M. Driesen, ed., MIT Press 2010)

Revenue-Neutral Cap and Trade, 39 ENVTL. L. REP. 10944 (Oct., 2009)

Cost-Benefit Analysis: New Foundations on Shifting Sand, 3 REGULATION & GOVERNANCE 48 (2009)(with Douglas A. Kysar & David M. Driesen)

The Missing Instrument: Dirty Input Limits, 33 HARV. ENVTL. L. REV. 66 (2009)(with David M. Driesen), selected for republication in Volume 41 of the Land Use and Environmental Law Review as one of the five best environmental law articles of the year.

An Emerging Human Right to Security from Climate Change: The Case Against Gas Flaring in Nigeria in ADJUDICATING CLIMATE CHANGE: SUB-NATIONAL, NATIONAL, AND SUPRA-NATIONAL APPROACHES (William C.G. Burns & Hari M. Osofsky, eds., Cambridge University Press) (2009)

The “Preference for Pollution” and other Fallacies, or Why Free Trade Isn’t “Progress” in PROGRESS IN INTERNATIONAL ORGANIZATION (Rebecca Bratspies & Russell Miller, eds., Martinus Nijhoff Press 2008)

The Tragedy of the Commons and the Myth of a Private Property Solution, 78 U. COLO. L. REV. 533 (2007)

Climate Change and Human Rights, 27 J. LAND RESOURCES & ENVTL. L. 255 (2007)

Power and Responsibility: Why Human Rights Should Address Corporate Environmental Wrongs, in THE NEW CORPORATE ACCOUNTABILITY: CORPORATE SOCIAL RESPONSIBILITY AND THE LAW (Doreen McBarnet, Aurora Voiculescu, & Tom Campbell, eds., Cambridge University Press, 2007)

In Defense of Absolutes: Combating the Politics of Power in Environmental Law, 90 IOWA L. REV. 1405 (2005)

Cass Sunstein’s Cost-Benefit Lite: Economics for Liberals, 29 COLUMB. J. ENVL. L. 191 (2004)

The Economics of Endangered Species: Why Less is More in the Economic Analysis of Critical Habitat Designations, 28 HARV. ENVTL. L. REV. 129 (2004)

Selected Professional Writing

Public Comment, EPA's ANPR: "Increasing Consistency and Transparency in the Consideration of Costs and Benefits in the Rulemaking Process," RIN: 2010-AA12 (Aug. 13, 2018)(with co-authors), available at: <http://progressivereform.org/articles/epa-cba-anprm-cpr-comments-final-081318.pdf>

Amicus Brief on behalf of economists and law professors, *Weyerhaeuser Co. v. U.S. Fish and Wildlife Service*, No. 17-71 (U.S. Supreme Court, 2018), available at: <http://progressivereform.org/articles/weyerhaeuser-v-fws-economists-law-profs-amicus-070518.pdf>.

Amicus brief on behalf of administrative law professors, *Public Citizen, Inc., v. Trump*, Civ. No. 17-253 (RDM) (D.D.C. 2017)

Trump's New Regulatory Czar: Poised to Lead the Assault on our Safeguards (Center for Progressive Reform (April 2017) (with co-authors), available at: http://progressivereform.org/articles/Trump_Regulatory_Czar_1701.pdf

Obama should Sidestep Congress, The Baltimore Sun (Dec. 26, 2012) (op-ed) (with Rena Steinzor), re-published by Newsday (Dec. 31, 2012), available at: <http://www.newsday.com/opinion/oped/opinion-barack-obama-should-sidestep-congress-1.4391744>

Protecting Public Health and the Environment by the Stroke of a Presidential Pen: Seven New Executive Orders for President Obama's Second Term (Center for Progressive Reform, Dec. 2012) (with co-authors), available at: <http://progressivereform.org/penstroke2.cfm>

Twelve Crucial Health, Safety, and Environmental Regulations: Will the Obama Administration Finish in Time? (Center for Progressive Reform, April 2011) (with co-authors), available at: http://progressivereform.org/articles/12Rules_1106.pdf

Six Myths about Climate Change and the Clean Air Act (Center for Progressive Reform, April 2011) (with Dan Farber), available at: http://progressivereform.org/articles/Clean_Air_Act_1105.pdf

Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System can be Fixed to Prevent a Recurrence (Center for Progressive Reform, Oct. 2010) (with co-authors), available at: http://www.progressivereform.org/articles/BP_Reg_Blowout_1007.pdf

Obama's Regulators: A First-Year Report Card (Center for Progressive Reform, Jan. 2010) (with co-authors), available at: <http://www.progressivereform.org/articles/regreportcard2010.pdf>

A Return to Common Sense: Protecting Health, Safety and the Environment through “Pragmatic Regulatory Impact Analysis” (Center for Progressive Reform, Oct. 2009)(with co-authors), available at: http://www.progressivereform.org/articles/PRIA_909.pdf

The Hidden Human and Environmental Costs of Regulatory Delay (Center for Progressive Reform, Oct. 2009)(with co-authors), available at: http://progressivereform.org/articles/CostofDelay_907.pdf

The Cost-Benefit Dodge, Phila. Inquirer, May 12, 2009 (A-11) (op ed) (with Catherine O’Neill)

Reinvigorating Protection of Health, Safety and the Environment: The Choices Facing Cass Sunstein (Center for Progressive Reform, Jan. 2009)(with co-authors), available at: <http://www.progressivereform.org/articles/SunsteinOIRA901.pdf>

Protecting Public Health and the Environment by the Stroke of a Pen: Seven Executive Orders for the President’s First 100 Days (Center for Progressive Reform, Nov. 2008)(with co-authors), available at: http://www.progressivereform.org/CPR_ExecOrders_Stroke_of_a_Pen.pdf

Amicus Brief on behalf of OMB Watch, *Entergy Corp. v. EPA*, Nos. 07-588, 07-589, 07-597 (U.S. Supreme Court 2008)

Professional Affiliations

Board of Directors, Center for Progressive Reform (www.progressivereform.org)

Board of Directors, A Call to the Bar: Lawyers for Common Sense on Climate Change

Temple University, Center for Natural Resources Development and Protection

Temple University, Center for Sustainable Communities

Awards and Honors

The Missing Instrument: Dirty Input Limits selected for republication in Volume 41 of the Land Use and Environmental Law Review as one of the five best environmental law articles of the year.

Friel-Scanlan Award for Excellent Scholarship 2007.

Wallace Stegner Center Young Scholar in Residence, Wallace Stegner Center for Land, Resources and the Environment, University of Utah S.J. Quinney College of Law, November 7-9, 2006.

Selected Conferences and Presentations

Webinar, *Pruitt's War on Economics: The EPA's Benefits-Busting Rulemaking*, Center for Progressive Reform, June 27, 2018, available at:

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=9223F488-D405-795B-845443E5E91AED30>.

The Evolving Strategies of the Anti-Regulatory Movement, Ass'n for Promotion of Political Economy and the Law (APPEAL) & Political Economy Research Institute (PERI), Joint Workshop: Connecting Ideas and Policies for Change, University of Massachusetts, Amherst, June 14-15, 2018.

Trump's War on Regulation goes to Federal Court: Trump: 1, The Planet: 5, Pennsylvania Bar Foundation's Annual Environmental Law Forum, Harrisburg, PA, April 12, 2018.

A Human Rights Framework for the Climate Crisis, Widener University Delaware Law School, Feb. 22, 2018 (part of a visit as a scholar-in-residence, Feb. 21-22, 2018).

Panelist, *Emerging Legal Obligations to Build Resilience to Adapt to Climate Disruption*, Sixth Annual Green Infrastructure Conference, Environmental Law Institute, Ballard Spahr, Nov. 14, 2017

Trump's 2 for 1 Executive Order, Pace Law School: Foundations and Principles for a New Era of Environmental Law, April 20, 2017

Federal Environmental Decisions, Pennsylvania Bar Institute's Environmental Law Forum, Harrisburg, PA, April 5, 2017

"Regulatory Reform" in the Trump Era, Penn Program on Regulation: Assessing the Trump Administration's Regulatory Agenda, Penn Law School (Mar. 28, 2017)

The Problem of Unquantified Benefits, Faculty Colloquium, University of Washington, Seattle, WA, Nov. 12, 2015.

The Problem of Unquantified Benefits, Seventh Annual Meeting of the Society for Environmental Law and Economics, University of Groningen, The Netherlands, May 21-22, 2015.

Formality and Informality in Cost-Benefit Analysis, Society for Benefit Cost Analysis, Seventh Annual Conference: Advancing the Policy Frontier, George Washington University, Washington D.C., March 19, 2015.

Formality and Informality in Cost-Benefit Analysis, Critiquing Cost-Benefit Analysis of Financial Regulation, The George Washington University Law School, May 19-20, 2014.

Formality and Informality in Cost-Benefit Analysis, Indiana University Maurer School of Law, Faculty Colloquium, Bloomington, IN, Jan. 17, 2014.

The Marcellus Shale: Do We Have the Right Laws to Regulate, 2011 Marcellus Shale Symposium, Temple University Center for Natural Resources Development and Protection, November 4, 2011.

Formality and Informality in Cost-Benefit Analysis, Widener Law School Environmental Law Center's Distinguished Speaker Series, November 8, 2011.

Regulation of Gas Drilling in the Marcellus Shale: Federal Exemptions and the Need for Stronger State Disclosure Laws, 19th Annual Fall Meeting of the ABA Section of Environment, Energy, and Resources Law, Indianapolis, October 14, 2011.

Cost-Benefit Analysis of Environmental Regulation: Perils and Pitfalls, Lecture, Program in Science, Technology and Environmental Policy, Woodrow Wilson School of Public and International Affairs, Princeton University, Nov. 8, 2010.

Cost-Benefit Analysis in Environmental Law: Formality versus Informality, Developing Standards for Benefit-Cost Analysis Conference sponsored by the Benefit-Cost Analysis Center at the University of Washington Evans School of Public Affairs in Washington, D.C., Oct. 18-19, 2010.

Thoughts on Entergy v. Riverkeeper: Or Why Cost Benefit Analysis is a Bad Way to Make Environmental Policy, Environmental Law and Economics, University of Michigan Law School, Ann Arbor, MI, April 9, 2010.

The Role of U.S. Climate Change Legislation in Forging an International Agreement, Changing Course: The United States' Evolving Approach to International Law, Tulane Journal of International and Comparative Law, Tulane University Law School, New Orleans, March 19, 2010.

Regulation of Hydraulic Fracturing (or Lack Thereof) under the Safe Drinking Water Act, Marcellus Shale Summit, Temple University, Philadelphia, March 18, 2010.

Panelist, *Three Degrees Rise Disaster Simulation: Socratic Dialogue*, Three Degrees: The Law of Climate Change and Human Rights, University of Washington, Seattle, May 27-29, 2009.

The Climate Crisis: In Search of a Bail-out Plan for the Planet, The 2009 Friel/Scanlan Lecture, Temple University Beasley School of Law, April 9, 2009.

Ethics and Climate Change, The 12th International Conference of the Pacific Basin Consortium for Environment and Health Sciences, Environment and Health in the 21st Century: Challenges and Solutions, Peking University, Beijing, China, Oct. 29, 2007.

Is There a Human Right to Security from Climate Change? Stegner Center Young Scholar in Residence Lecture, University of Utah S.J. Quinney College of Law, November 8, 2006.