

Committee on Energy and Commerce
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: Robert L. Glicksman		
2. Your Title: J.B. & Maurice C. Shapiro Professor of Environmental Law, The George Washington University Law School		
3. The Entity(ies) You are Representing: Myself		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No X
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. n/a		
6. Please attach your curriculum vitae to your completed disclosure form.		

Signature: _____

Date: _____

6/15/15

ROBERT L. GLICKSMAN

**J.B. & MAURICE C. SHAPIRO PROFESSOR OF ENVIRONMENTAL LAW
THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL**

The George Washington University Law School
2000 H Street, N.W.
Washington, D.C. 20052
(202) 994-4641
rglicksman@law.gwu.edu

Teaching Interests

Environmental Law, Regulation of Air and Water Pollution, Regulation of Toxic Substances and Hazardous Waste, Administrative Law, Property, Natural Resources Law

Education

Cornell Law School
J.D., Magna Cum Laude (1977)

Ithaca, New York

Harvard University
M.A., European History (1974)

Cambridge, Massachusetts

Union College
A.B., Summa Cum Laude, with
Distinction in History, Phi
Beta Kappa (1973)

Schenectady, New York

London School of Economics
(1971-72)

London, England

Professional Honors and Awards

Howard M. and Susan Immel Teaching Award (awarded by a faculty committee honoring an outstanding law professor who sets an example of professionalism for his or her students), May 2007

Dean Frederick J. Moreau Faculty Award (awarded by the students of the University of Kansas School of Law to a faculty member “who, in the eyes of the students, has been particularly helpful in advising and counseling with students”), May 2006

Academic Awards and Activities

Order of the Coif, Cornell Law School

Member, Board of Editors, Cornell Law Review

Horatio G. Warner Prize (for the Senior A.B. with highest scholastic standing while retaining the highest personal character) (1973)

George H. Catlin Prize (for the Senior with the highest scholastic record in liberal arts, deemed most promising for graduate study and eventual service in the field of college teaching) (1973)

Joseph D. Doty Prize (for the Junior or Senior with superior achievement in History) (1973)

Nott Scholar of Union College (Academic Honor Society) (1971)

Employment

August 2009 to present
J.B. & Maurice C. Shapiro Professor of Environmental Law
The George Washington University Law School
Washington, D.C. 20052

November 1995 to July 2009
Robert W. Wagstaff Professor of Law
University of Kansas
School of Law
Lawrence, KS 66045

August 1986 to November 1995
Professor of Law
University of Kansas

August 1982 to August 1986
Associate Professor of Law
University of Kansas

Visiting Professorships
University of Limoges, France (Feb. 2013)
University of Kansas School of Law (Summer 2012)
Georgetown University Law Center (Fall 2010)

University of Trento, Italy (Spring 2007)
Lewis & Clark Law School (Summer 2002,
Summer 2011, Summer 2013)
Vermont Law School (Summer 2000)
University of Missouri-Kansas City
(Spring 1998)
University of Miami (Spring 1988)
University of Arkansas,
Fayetteville (1981-82)

January 1993 to July 1994

Consultant, Lowenstein, Sandler,
Kohl, Fisher & Boylan (Roseland, N.J.)

August 1977 to July 1981
June 1976 to August 1976

Attorney
Cleary, Gottlieb, Steen & Hamilton
Washington, D.C.

Publications

Books

ENVIRONMENTAL PROTECTION: LAW AND POLICY (7th ed. Aspen Publishers) (with D. Markell, B. Buzbee, D. Mandelker, D. Bodansky & E. Hammond) (2015) (website at <http://lawstudy.law.ku.edu/glicks/envprot>) (previous editions published in 1999, 2003, 2007, and 2011).

TEACHER'S MANUAL, ENVIRONMENTAL PROTECTION: LAW AND POLICY (7th ed. Aspen Pub.) forthcoming) (with D. Markell, D. Mandelker, W. Buzbee & D. Bodansky) (previous editions published in 1999, 2003, 2007, and 2011).

ADMINISTRATIVE LAW: AGENCY ACTION IN LEGAL CONTEXT (2d ed. Foundation Press) (2015) (with R. Levy) (previous edition published in 2010).

TEACHER'S MANUAL, ADMINISTRATIVE LAW: AGENCY ACTION IN LEGAL CONTEXT (2d ed. Foundation Press) (2015) (with R. Levy) (previous edition published in 2010).

STATUTORY ANALYSIS IN THE REGULATORY STATE (Foundation Press) (2014) (with R. Levy).

TEACHER'S MANUAL, STATUTORY ANALYSIS IN THE REGULATORY STATE (Foundation Press) (2015) (with R. Levy).

POLLUTION LIMITS AND POLLUTERS' EFFORTS TO COMPLY: THE ROLE OF GOVERNMENT MONITORING AND ENFORCEMENT (Stanford University Press 2011) (with D. Earnhart).

PUBLIC NATURAL RESOURCES LAW (4 volumes, Thomson/West, updated three times annually) (2d ed. 2007) (with G. Coggins) (1st edition published in 1991, with updates two to three times a year between 1991-2011).

RISK REGULATION AT RISK: RESTORING A PRAGMATIC APPROACH (Stanford University Press 2003) (with S. Shapiro).

MODERN PUBLIC LAND LAW IN A NUTSHELL (4th ed. West) (2012) (with G. Coggins) (previous editions published in 1995, 2001, and 2006).

NEPA LAW AND LITIGATION (West 2014) (with D. Mandelker and others) (published annually)

REGULATION OF TOXIC SUBSTANCES AND HAZARDOUS WASTE: CASES, MATERIALS, NOTES, AND QUESTIONS (1992) (unbound) (awarded Postlethwaite Research Prize, May 1992).

A PROPOSED STRATEGY TO PREVENT GROUNDWATER CONTAMINATION IN KANSAS (University of Kansas 1986) (with G. Coggins) (report prepared under contract to the Kansas Department of Health and Environment).

Book Chapters

Introduction in ENCYCLOPEDIA OF ENVIRONMENTAL LAW: ENVIRONMENTAL DECISION MAKING (Edward Elgar Pub. Ltd. forthcoming) (R. Glicksman, L. Paddock & N. Bryner eds.).

Debunking Revisionist Understandings of Environmental Cooperative Federalism: Collective Action Responses to Air Pollution, in THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS (Kalyani Robbins & Erin Ryan, eds.) forthcoming (Edward Elgar) (with J. Wentz)

The Relative Efficacy of Coercive and Cooperative Enforcement Approaches to Water Pollution Control, in NEXT GENERATION ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT (L. Paddock & J. Wentz, eds.) (ELI 2014) (with Dietrich Earnhart).

Natural Resource Management and Protection, in INTERNATIONAL ENVIRONMENTAL LAW: THE PRACTITIONERS GUIDE TO THE LAWS OF THE PLANET (Roger Martella & Brett Grosko eds.) (ABA SEER 2014).

Landscape Level Management of Parks, Refuges, and Preserves for Ecosystem Resilience, in SOCIAL-ECOLOGICAL RESILIENCE AND LAW (Ahjond S. Garmestani & Craig R. Allen eds., Columbia University Press) (2014) (with Graeme Cumming).

Governance of Public Lands, Public Agencies, and Natural Resources, in THE LAW OF

ADAPTATION TO CLIMATE CHANGE: U.S. AND INTERNATIONAL ASPECTS (ABA Michael B. Gerrard & Katrina F. Kuh, eds.) (2012)).

The Justifications for Nondegradation Programs in U.S. Environmental Law, in LE PRINCIPE DE NON-REGRÉSSION EN DROIT DE L'ENVIRONNEMENT (Michel Prieur & Gonzalo Sozzo, eds.) (Bruylant, Brussels 2012).

Executive Power, the Constitution, and the Environment: The Take Care Clause and the Unitary Executive, Chapter 4 in PRINCIPLES OF CONSTITUTIONAL ENVIRONMENTAL LAW (James May ed., American Bar Ass'n & Environmental Law Inst.) (2011).

Facing Unprecedented Stewardship Challenges: Climate Change and Federal Land Management, in CLIMATE CHANGE: A READER (W. Rodgers et al. eds., Carolina Acad. Press) (2011).

The Failure of U.S. Climate Change Policy (with C. Schroeder) and Anatomy of Industry Resistance to Climate Change: A Familiar Litany, in ECONOMIC THOUGHT AND U.S. CLIMATE CHANGE POLICY (D. Driesen ed., The MIT Press) (2010).

Federal Preemption by Inaction, in PREEMPTION CHOICE: THE THEORY, LAW AND REALITY OF FEDERALISM'S CORE QUESTION (W. Buzbee ed., Cambridge Univ. Press) (2009).

Securing Judicial Review of Agency Inaction (and Action) in the Wake of *Norton v. Southern Utah Wilderness Alliance* in STRATEGIES FOR ENVIRONMENTAL SUCCESS IN AN UNCERTAIN JUDICIAL CLIMATE (M. Wolf ed., ELI Press) (2005).

A NEW PROGRESSIVE AGENDA FOR PUBLIC HEALTH AND THE ENVIRONMENT (C. Schroeder & R. Steinzor eds., Carolina Acad. Press) (2005) (listed as one of ten "primary authors").

NEPA Litigation, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter annually from 2004-2012).

The Environmental Review Process, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter annually from 2004-2012).

Scope of the Environmental Impact Statement, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter annually from 2006-2012).

Judicial Review Under NEPA, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter from 2009-2012).

The Threshold Question: Must an Environmental Impact Statement Be Prepared?, in D. MANDELKER, NEPA LAW AND LITIGATION (revised chapter beginning with 2009 release)

The CEC's Biodiversity Conservation Agenda in GREENING NAFTA: THE NORTH AMERICAN COMMISSION FOR ENVIRONMENTAL COOPERATION (D. Markell & J. Knox eds., Stanford Univ. Press) (2003).

Municipal Regulation of Hazardous Waste in A. RATHKOPF, THE LAW OF ZONING AND PLANNING chapter 7A (Release # 72, 6/2000) (with A. Dan Tarlock).

Wildlife and Habitat Protection in ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW chapter 24 (M. Gerrard ed., 2d ed. 1998).

The Impact of Federal Environmental Protection Laws on Water Allocation in the 26TH ANNUAL INSTITUTE ON PLANNING, ZONING, & EMINENT DOMAIN chapter 7 (1996), *reprinted in* 34 PUBLIC LAND & RESOURCES LAW DIGEST 309 (1997).

Public Resources in ENVIRONMENTAL LAW AND PRACTICE: COMPLIANCE/LITIGATION/FORMS chapter 14 (D. Stever & E. Dolin eds., 1995) (with G. Coggins).

Hazardous and Toxic Substances in NEW JERSEY ENVIRONMENTAL LAW HANDBOOK chapter II (4th ed. M. Rodburg, et al. eds.) (1996).

Water Pollution Control and Supply in NEW JERSEY ENVIRONMENTAL LAW HANDBOOK chapter VII (4th ed. M. Rodburg, et al. eds.) (1996).

Pollution on the Federal Lands in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 11 (1991-92) (with G. Coggins).

The Federal Liability Framework of Public Natural Resources Law in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 7 (1991) (with G. Coggins).

The Constitutional Framework of Public Natural Resources Law in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 3 (1990) (with G. Coggins).

The Administrative Framework of Public Natural Resources Law in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 6 (1990) (with G. Coggins).

Environmental Assessment in G. COGGINS, PUBLIC NATURAL RESOURCES LAW chapter 12 (1990) (with G. Coggins).

Federal Groundwater Quality Control Law and Policy in proceedings of the Natural Resources Law Center conference on Water Quality Control: "Integrating Beneficial Use and Environmental Protection" (1988).

Municipal Regulation of Hazardous Waste in A. RATHKOPF, THE LAW OF ZONING AND PLANNING, chapter 7A (4th ed. 1987) (with A. Dan Tarlock).

Interstate Compacts for Low-Level Radioactive Waste Disposal: A Mechanism for Excluding Out-of-State Waste in LOW-LEVEL RADIOACTIVE WASTE REGULATION - SCIENCE, POLITICS, AND FEAR chapter 3 (M. Burns ed., 1987).

Law Review Publications

Legal Adaptive Capacity: How Program Goals and Processes Shape Federal Land Adaptation to Climate Change, 86 U. COLO. L. REV. ____ (forthcoming) (with A. Camacho).

An International Legal Framework for SE4All: Human Rights and Sustainable Development Law Imperatives, __ FORDHAM INT'L L.J. ____ (forthcoming) (with T. Kaime).

Coercive vs. Cooperative Enforcement: Effect of Enforcement Approach on Environmental Management, 42 INT'L REV. OF L. & ECON. 135 (2015) (with D. Earnhart).

A Holistic Look at Agency Enforcement, 93 N.C. L. REV. 1 (2014) (with D. Markell).

Wilderness Management by the Multiple Use Agencies: What Makes the Forest Service and the Bureau of Land Management Different?, 44 ENVTL. L. 447 (2014)

Regulatory Safeguards for Accountable Ecosystem Service Markets in Wetlands Development, 62 U. KAN. L. REV. 943 (2014).

Functional Government in 3-D: A Framework for Evaluating Allocations of Government Authority, 51 HARV. J. ON LEGISLATION 19 (2014) (with A. Camacho).

Energy Transmission Across Wild and Scenic Rivers: Balancing Increased Access to Nontraditional Power Sources with Environmental Protection Policies, 34 PUB. LAND & RESOURCES L. REV. 1 (2013).

A Comparative Analysis of Accountability Mechanisms for Ecosystem Service Markets in the US and the EU, 2 TRANSNAT'L ENVTL. L. 259 (2013) (with T. Kaime).

Improving Water Quality Anti-degradation Policies, 4 GEO. WASH. JOURNAL OF ENERGY & ENVTL L. 1 (2013) (with S. Zellmer).

Solar Energy Development on the Federal Public Lands: Environmental Trade-Offs on the Road to a Lower Carbon Future, 3 SAN DIEGO J. ENERGY & CLIMATE LAW 107 (2011-2012).

Climate Change and the Puget Sound: Building the Legal Framework for Adaptation, 2 CLIMATE LAW 299 (2011) (with multiple coauthors) (peer-reviewed journal).

Agency-Specific Precedents, 89 TEXAS L. REV. 499 (2011) (with R. Levy).

Climate Change Adaptation: A Collective Action Perspective on Federalism Considerations, 40 ENVTL. L. 1159 (2010).

The Constitution, the Environment, and the Prospect of Enhanced Executive Power, 40 ENVTL. L. REP. 1102 (2010).

Science, Politics, Law and the Arc of the Clean Water Act: The Role of Assumptions in the Adoption of a Pollution Control Landmark, 32 WASH. U. J.L. & POL'Y 99 (2010) (with M. Batzel).

Access to Courts and Preemption of State Remedies in Collective Action Perspective, 59 CASE W. RES. L. REV. 919 (2009) (with R. Levy).

Ecosystem Resilience to Disruptions Linked to Global Climate Change: An Adaptive Approach to Federal Land Management, 87 NEB. L. REV. 833 (2009).

Sustainable Federal Land Management: Protecting Ecological Integrity and Preserving Environmental Principles, 44 TULSA L. REV. 147 (2008).

A Collective Action Perspective on Ceiling Preemption by Federal Environmental Regulation: The Case of Global Climate Change, 102 N.W. U. L. REV. 579 (2008) (with R. Levy).

Coal-Fired Power Plants, Greenhouse Gases, and State Statutory Substantial Endangerment Provisions: Climate Change Comes to Kansas, 56 U. KAN. L. REV. 517 (2008).

Effectiveness of Government Interventions at Inducing Better Environmental Performance: Does Effectiveness Depend on Facility of Firm Characteristics?, 35 B.C. ENVTL. AFF. L. REV. 479 (2008) (with D. Earnhart).

Bridging Data Gaps through Modeling and Evaluation of Surrogates: Use of the Best Available Science to Protect Biological Diversity Under the National Forest Management Act, 83 IND. L.J. 465 (2008).

Balancing Mandate and Discretion in the Institutional Design of Federal Climate Change Policy, 102 NW. U. L. REV. COLLOQUY 196 (2008).

Nothing Is Real: Protecting the Regulatory Void through Federal Preemption by Inaction, 26 VA. ENVTL. L.J. 5 (2008).

The Comparative Effectiveness of Government Interventions on Environmental Performance in the Chemical Industry, 26 STANFORD ENVTL. L.J. 317 (2007) (with D. Earnhart).

Depiction of the Regulator-Regulated Entity Relationship in the Chemical Industry: Deterrence-Based v. Cooperative Enforcement, 31 WM. & MARY ENVTL. L. & POL'Y REV. 603 (2007) (with D. Earnhart).

Global Climate Change and the Risks to Coastal Areas from Hurricanes and Rising Sea Levels: The Costs of Doing Nothing, 52 LOYOLA L. REV. 1127 (2006).

From Cooperative to Inoperative Federalism: The Perverse Mutation of Environmental Law and Policy, 41 WAKE FOREST L. REV. 719 (2006).

Justice Rehnquist and the Dismantling of Environmental Law, 36 ENVTL. L. REP. 10585 (2006) (with J. May).

Improving Regulation Through Incremental Adjustment, 52 KAN. L. REV. 1179 (2004) (with S. Shapiro).

Traveling in Opposite Directions: Roadless Area Management Under the Clinton and Bush Administrations, 34 ENVTL. L. 1143 (2004).

The APA and the Back-End of Regulation: Procedures for Informal Adjudication, 56 ADMIN. L. REV. 1159 (2004) (with S. Shapiro).

The Value of Agency-Forcing Citizen Suits to Enforce Nondiscretionary Duties, 10 WIDENER L. REV. 353 (2004).

Chevron, State Farm, and the EPA in the Courts of Appeals During the 1990s, 31 ENVTL. L. REP. 10371 (2001) (with C. Schroeder), *reprinted in* 32 LAND USE AND ENV'T L. REV. 327 (2002).

Making A Nuisance of Takings Law, 3 WASH. U. J. L. & POL'Y 149 (2000).

Goals, Instruments, and Environmental Policy Choice, 10 DUKE ENVTL. L. & POL'Y F. 297 (2000) (with S. Shapiro).

Federal Environmental Law in the "New" Federalism Era, 30 ENVTL. L. REP. 11122 (2000) (with S. McAllister).

State Liability for Environmental Violations: The U.S. Supreme Court's "New" Federalism, 29 ENVTL. L. REP. 10665 (1999) (with S. McAllister).

Wilderness in Context, 76 DENV. U. L. REV. 383 (1999) (with G. Coggins).

Hardrock Minerals, Energy Minerals, and Other Resources on the Public Lands: The Evolution of Federal Natural Resources Law, 33 TULSA L.J. 765 (1998) (with G. Coggins).

Concessions Law and Policy in the National Park System, 74 DENV. U. L. REV. 729 (1997) (with G. Coggins).

Fear and Loathing on the Federal Lands, 45 U. KAN. L. REV. 647 (1997).

Regulatory Reform and (Breach of) the Contract With America: Improving Environmental Policy or Destroying Environmental Protection?, 5 KAN. J. L. & PUB. POL'Y # 2 (Winter 1996), at 9 (with S. Chapman).

Pollution on the Federal Lands IV: Liability for Hazardous Waste Disposal, 12 UCLA J. ENVTL. L. & POL'Y 233 (1994).

Pollution on the Federal Lands III: Regulation of Solid and Hazardous Waste Management, 13 STANFORD ENVTL. L.J. 3 (1994).

Pollution on the Federal Lands II: Water Pollution Law, 12 UCLA J. ENVTL. L. & POL'Y 61 (1993).

Pollution on the Federal Lands I: Air Pollution Law, 12 UCLA J. ENVTL. L. & POL'Y 1 (1993).

Watching the River Flow: The Prospects for Improved Interstate Water Pollution Control, 43 WASH. U. J. URB. & CONTEMP. L. 119 (1993) (awarded Postlethwaite Research Prize, May 1994).

EPA and the Courts: Twenty Years of Law and Politics, 54 J. OF LAW & CONTEMP. PROBS. 249 (1991) (with C. Schroeder), reprinted in 24 LAND USE & ENV'T L. REV. 289 (1993) (awarded Postlethwaite Research Prize, May 1992).

Judicial Activism and Restraint in the Supreme Court's Environmental Law Decisions, 42 VANDERBILT L. REV. 343 (1989) (with R. Levy) (chosen in W. RODGERS, ENVIRONMENTAL LAW 48 (2d ed. 1994) as one of the 25 best law review articles on environmental law ever written).

To the Promised Land: A Century of Wandering and A Final Homeland for the Due Process and Taking Clauses, 68 OREGON L. REV. 393 (1989) (with M. Davis), reprinted in 22 LAND USE & ENV'T L. REV. 211 (1991) (awarded the Rice Prize as the best University of Kansas law faculty article in 1990).

Congress, the Supreme Court, and the Quiet Revolution in Administrative Law, 1988 DUKE L.J. 819 (with S. Shapiro).

A Retreat from Judicial Activism: The Seventh Circuit and the Environment, 63 CHI.-KENT L. REV. 209 (1987).

Groundwater Pollution II: An Immodest Proposal for a Strategy to Prevent Future Groundwater Pollution, 35 U. KAN. L. REV. 241 (1987) (with G. Coggins).

Groundwater Pollution I: The Problem and the Law, 35 U. KAN. L. REV. 75 (1986) (with G. Coggins).

Federal Preemption and Private Legal Remedies for Pollution, 134 U. PA. L. REV. 125 (1985) (awarded the Rice Prize as the best University of Kansas law faculty article in 1986).

A Guide to Kansas Common Law Actions Against Industrial Pollution Sources, 33 U. KAN. L. REV. 621 (1985) (awarded the Rice Prize as the best University of Kansas law faculty article in 1985).

Allocating the Cost of Constructing Excess Capacity: "Who Will Have to Pay for It All?", 33 U. KAN. L. REV. 429 (1985), reprinted in VIII PUBLIC UTILITIES LAW ANTHOLOGY (1984-85).

Severability and the Realignment of the Balance of Power over the Public Lands: The Federal Land Policy and Management Act of 1976 After the Legislative Veto Decisions, 36 HASTINGS L.J. 1 (1984).

Federal Recreational Land Policy: The Rise and Decline of the Land and Water Conservation Fund, 9 COLUM. J. ENVTL. L. 125 (1984) (with G. Coggins).

Other Publications

Defusing Blunderbuss Constitutional Attacks on EPA's Proposed Regulation of Existing Power Plants to Abate Climate Change, posted on CPRBlog, <http://www.progressivereform.org/CPRBlog.cfm?idBlog=6747EF06-E05A-0502-3DB2C1EC5EC9339B> (Apr. 12, 2015).

EPA's 2013 All Appropriate Inquiries Rulemaking Raises Litigation and Administrative Law Issues, 44 ENVTL. L. REP. 10763 (Sept. 2014) (with T. Utzinger).

Enforcement and Regulatory Governance, published on RegBlog (Penn Program on Regulation), http://www.regblog.org/2014/06/16-enforcement-and-regulatory-governance.html?utm_source=RegBlog+Subscribers&utm_campaign=5014d419d8-RegBlog_Weekly_Email_June23_2014&utm_medium=email&utm_term=0_0a497f5a7e-5014d419d8-304547017 (June 16, 2014) (with D. Markell).

EPA's Retreat from Enforcement Will Harm the Chesapeake Bay, Center for Progressive Reform Issue Alert #1402 (Jan. 2014),

http://progressivereform.org/articles/EPA_StrategicPlan_IssueAlert_1402.pdf (with R. Steinzor and A. Havemann).

Letting Nature Work in the Pacific Northwest: A Manual for Protecting Ecosystem Services Under Existing Law, Center for Progressive Reform White Paper # 1304 (April 2013), http://progressivereform.org/articles/Ecosystem_Services_PacNW_1304.pdf (with several co-authors).

No Profit in Pollution: A Comparison of Key Chesapeake Bay State Water Pollution Penalty Policies, Center for Progressive Reform Briefing Paper # 1305 (April 2013), http://www.progressivereform.org/articles/No_Profit_Pollution_1305.pdf (with A. Simpson).

“A Tribute to Joe Feller,” <http://www.progressivereform.org/CPRBlog.cfm?idBlog=14198B12-A3F5-9B07-3404D52F1A54C5A8>, blog posted on April 16, 2013.

“National Energy Policies and the Environment: Can the National Environmental Policy Act Provide a Harmonizing Framework?,” <http://www.progressivereform.org/CPRBlog.cfm>, blog posted on February 18, 2013 (with J. Mintz).

Protecting People and the Environment by the Stroke of a Presidential Pen: Seven New Executive Orders for President Obama’s Second Term, Center for Progressive Reform Issue Alert #1215, http://progressivereform.org/articles/Stroke_of_the_Pen_1215.pdf (Dec. 2012) (with several co-authors).

The CWA’s Antidegradation Policy: Time to Rejuvenate a Program to Protect High Quality Water, <http://progressivereform.org/CPRBlog.cfm>, blog posted on October 16, 2012 (with S. Zellmer).

Climate Change Adaptation on Federal Lands, GW LAW ENVIRONMENTAL AND ENERGY LAW PERSPECTIVES 1 (Fall 2012).

A Bill to Steamroll NEPA, blog posted on Apr. 27, 2012, available at <http://www.progressivereform.org/CPRBlog.cfm?idBlog=F414D64C-00C2-D342-A3C55E020F13F175>.

Throwing Precaution to the Wind: NEPA and the Deepwater Horizon Blowout, 2 GEO. WASH. J. OF ENERGY & ENVTL L. 62 (Summer 2011) (with S. Zellmer & J. Mintz).

Climate Change and the Puget Sound: Building the Legal Framework for Adaptation, Center for Progressive Reform White Paper # 1108 (June 2011), available at http://www.progressivereform.org/articles/Puget_Sound_Adaptation_1108.pdf (lead author, with several co-authors).

Making Good Use of Adaptive Management, Center for Progressive Reform White Paper # 1104 (Apr. 2011) (with several co-authors), available at http://www.progressivereform.org/articles/Adaptive_Management_1104.pdf.

Missing the Mark in the Chesapeake Bay: A Report Card for the Phase I Watershed Implementation Plans, Center for Progressive Reform White Paper # 1102 (Jan. 2011) (with four co-authors), available at http://www.progressivereform.org/articles/ChesBay_WIPs_1102.pdf.

Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can Be Fixed to Avoid a Recurrence, Center for Progressive Reform White Paper # 1007 (Oct. 2010) (with multiple coauthors), available at http://www.progressivereform.org/articles/BP_Reg_Blowout_1007.pdf.

Failing the Bay: Clean Water Act Enforcement in Maryland Falling Short, Center for Progressive Reform White Paper # 1004 (March 2010) (with Y. Huang), available at www.progressivereform.org/articles/MDE_Report_1004FINALApril.pdf

The Comprehensive Environmental Response, Compensation, and Liability Act, interpretive essay in ENCYCLOPEDIA OF THE SUPREME COURT OF THE U.S. (2009).

The National Environmental Policy Act, interpretive essay in ENCYCLOPEDIA OF THE SUPREME COURT OF THE U.S. (2009) (with D. Mandelker).

Revitalizing Cooperative Federalism by Limiting Federal Preemption of State Law, blog for Center for Progressive Reform website (posted Nov. 13, 2008).

Protecting Public Health and the Environment by the Stroke of a Presidential Pen: Seven Executive Orders for the President's First 100 Days, Center for Progressive Reform White Paper (Nov. 11, 2008) (with various co-authors), http://www.progressivereform.org/CPR_ExecOrders_Stroke_of_a_Pen.pdf.

Cooperative Federalism and Climate Change: Why Federal, State, and Local Governments Must Continue to Partner, Center for Progressive Reform White Paper (May 29, 2008) (with W. Andreen, N. Mendelson, R. Steinzor, & S. Jones), <http://progressivereform.org/climateChangePreemption.cfm>.

Environmental Law, Chapter 11 in 17 Kansas Annual Survey (KBA 2007).

A Jurisprudence of Ideology, 24 ENVTL. F. 22 (Jan./Feb. 2007) (with J. May).

Book Review on *Environmental Protection and the Social Responsibility of Firms* (B. Hay et al. eds., 2005), in 36 J. Env'tl. Quality # 2 (Mar.-Apr. 2007).

National Forest Management, a “Perspective” published by the Center for Progressive Reform (August 2006), <http://www.progressiveregulation.org/perspectives/forest.cfm>.

Shaping Corporate Environmental Behavior and Performance: The Impact of Enforcement and Non-Enforcement Tools, final report to the U.S. Environmental Protection Agency (March 11, 2006) (with D. Earnhart, D. Haider-Markel & T. Ebihara).

An Unnatural Disaster: The Aftermath of Hurricane Katrina, Center for Progressive Reform Report (September 2005), www.progressivereform.org/Unnatural_Disaster_512.pdf (with various co-authors).

Regulations in Name Only: How the Bush Administration's National Forest Planning Rule Frees the Forest Service from Mandatory Standards and Public Accountability, Center for Progressive Reform White Paper (June 2005), http://www.progressiveregulation.org/articles/Forests_508.pdf (with A. Flournoy & M. Clune).

Regulatory Underkill: The Bush Administration's Insidious Dismantling of Public Health and Environmental Protections, Center for Progressive Regulation White Paper (February 2005), http://www.progressiveregulation.org/articles/Underkill_503.pdf (with B. Buzbee, S. Shapiro & K. Sokol).

Statutory Design: The Advantages of Technology-Based Standards in Protecting Health, Safety, and the Environment (2004), <http://www.progressivereform.org/perspectives/statutory.cfm>.

Book Review on *J. Salzman & B. Thompson, Environmental Law and Policy* (2003), in 33 J. Env'tl. Quality 2387 (Nov.-Dec. 2004).

The Missing Perspective, 20 THE ENVTL. FORUM #2 (March/April 2003), at 42 (with S. Shapiro).

Statutory Interpretation and Constitutional Delegation in American Trucking, 69 U.S.L.W. 2603 (2001) (with R. Levy), *reprinted in* 32 Env't Rep. (BNA) 783 (2001).

Evolution of Federal Public Land and Resources Law, PUBLIC LAND LAW, Paper No. 1 (Rocky Mt. Min. L. Fdn. 1997) (with G. Coggins).

Power, Procedure, and Policy in Federal Land and Resources Law: Three Landmark Opinions, 10 NAT. RESOURCES & ENV'T # 1 (Summer 1995), at 3 (with G. Coggins).

CERCLA Reauthorization and Natural Resource Damage Recovery, 9 J NAT. RESOURCES & ENVTL. L. 313 (1993-94).

Whither Tony's Excellent Adventure? -- The Impact of Lujan v. National Wildlife Federation on Public Natural Resources Law, 5th Annual Workshop, Developments and Trends in Public Land and Mining Law, ABA Section of Natural Resources, Energy, and Environmental Law (March 1991) (with G. Coggins).

Hazardous Waste Sites: New Opportunities for Local Control Under Superfund, 10 ZONING AND PLANNING LAW REPORT 137 (July-August 1987), reprinted in 1988 ZONING AND PLANNING LAW HANDBOOK 423 (with A. Dan Tarlock).

Congressional Testimony

Presentation to congressional staffers, Congressional Civil Justice Caucus Academy Briefing on “Emerging Issues under the Clean Air Act Section 111(d): Cooperative Federalism or Coercive Overreach?” (Jan. 16, 2015).

Testimony before the House Judiciary Committee’s Subcommittee on Regulatory Reform, Commercial, and Antitrust Law, at a hearing on “The Obama Administration’s Regulatory War on Jobs, the Economy, and America’s Global Competitiveness” (Feb. 28, 2013).

Testimony before the House Judiciary Committee’s Subcommittee on Courts, Commercial and Administrative Law on “Raising the Agency’s Grades — Protecting the Economy, Assuring Regulatory Quality and Improving Assessments of Regulatory Need” (March 29, 2011).

Speeches and Presentations

“U.S. Climate Change Law and Policy,” presentation to attorneys from the Korea Legislation Research Institute, Washington, D.C. (June 3, 2015).

“EPA’s Next Generation Compliance Plan: A Better Environmental Enforcement Mousetrap or Environmental Enforcement Snake Oil?”, presentation at semi-annual meeting of the Center for Progressive Reform, Washington, D.C. (May 19, 2015).

“The Legality of EPA’s Clean Power Plan,” presentation at session of the 11th Annual Administrative Law & Regulatory Practice Institute of the ABA’s Section of Administrative Law and Regulatory Practice on “EPA’s Clean Power Plan: An Exercise in Statutory Interpretation,” Washington, D.C. (Apr. 30, 2015).

“The Clean Air Act and Cooperative Federalism Fables in the Courts,” presentation at conference on “The Law and Policy of Environmental Federalism,” at GW Law School (Apr. 24, 2015).

- “An Alternative Approach to Next Gen Compliance,” presentation at Symposium on Advanced Monitoring, Remote Sensing, and Data Gathering, Analysis, and Disclosure in Compliance and Enforcement, GW Law School (Mar. 27, 2015).
- “Enforcement Approaches and Next Generation Compliance,” presentation at meeting of the Environmental Council of the States, “Building Bridges, Best Practices, Bold Solutions,” at session on “Next Gen: New Tools and Approaches Drive Compliance and Results,” Washington, D.C. (Mar. 17, 2015).
- “The Impact of Legal Adaptive Capacity on Management of Federal Lands for Climate Change,” presentation at faculty works in progress workshop at the George Washington University Law School, Washington, D.C. (Feb. 12, 2015).
- “EPA’s Proposed Regulations Under Section 111(d) of the Clean Air Act: Clean Power or Power Play?,” presentation at panel event sponsored by the Law and Economics Center at the George Mason University School of Law, Arlington, VA (Feb. 4, 2015), available at <http://vimeo.com/118824110>.
- “National Monument Designations and Withdrawals,” presentation and panel moderator at session on The Obama Administration and Natural Resources Management at semi-annual meeting of the Center for Progressive Reform, Washington, D.C. (Jan. 6, 2015).
- “Holistic Agency Enforcement,” paper presentation at the Governance Workshop at the University of Michigan Law School, Ann Arbor, MI (Nov. 10, 2014).
- “The Supreme Court, Climate Change, and the Clean Air Act: Reflections on the *UARG* Decision,” presentation at GW Law faculty workshop (July 23, 2014).
- “A General Comment on the Right of Access to Modern Energy Services,” presentation at the 12th International Union for the Conservation of Nature (IUCN) Academy of Environmental Law, Tarragona, Spain (July 3, 2014).
- Reviewer and commenter on two papers on administrative law at Young Scholars Workshop, Lewis and Clark Law School, Portland, OR (April 12, 2014).
- “Why Have the Forest Service and the Bureau of Land Management Implemented Wilderness Management Responsibilities Differently?,” presentation at conference on “The Wilderness Act at 50,” Lewis and Clark Law School, Portland, OR (April 11, 2014).
- “Introduction to Federalism and Renewable Energy,” presentation to the U.S. State Department’s International Visitor Leadership Program, “Renewable Energy in the U.S.: A Project,” Washington D.C. (Mar. 31, 2014).
- “Federal Public Lands Planning and Climate Change Adaptation: Statutory Authority and

- Inclination for Dominant and Multiple Use Agencies,” presentation at conference at “The Role of Planning in Federal Land Management,” GW Law School, Washington, D.C. (Mar. 13, 2014).
- “Introduction to Federalism and Renewable Energy,” presentation to the U.S. State Department’s International Visitor Leadership Program, “Renewable Energy in the U.S.: A Project,” Washington D.C. (Feb. 24, 2014).
- “Federal Responses to Sea Level Rise, Coastal Flooding, and Related Climate Change Risks,” presentation at conference on “Energy, Climate Disruption and Sea Level Rise: New Directions in Law and Policy,” at Nova Southeastern University – Shepard Broad Law Center, in Fort Lauderdale, FL (Feb. 6, 2014).
- “Agency Dysfunction: Enforcement at EPA,” presentation at Scholars Meeting of the Center for Progressive Reform, Fordham Law School, New York, NY (Jan. 4, 2014).
- “Climate Change Adaptation and Institutional Design,” presentation at “GWU-UCL Virtual Research Workshop on Urban Sustainability,” George Washington University, Washington, D.C. (November 13, 2013).
- “Regulatory Safeguards for Accountable Ecosystem Service Markets in Wetlands Development,” presentation at conference on “Waters of the United States: Adapting Law for Degradation and Drought,” University of Kansas School of Law, Lawrence, KS (Nov. 1, 2013).
- “Nontraditional Energy Transmission and Wild and Scenic Rivers,” presentation at conference on “Balancing Act & Paradigm Shift: The Role of Public Lands in America’s Energy Future,” University of Montana School of Law, Missoula, MT (April 18, 2013).
- “Averting Unsustainable Energy Development and Facilities Siting,” introduced and moderated panel at conference on “Laying the Foundation for a Sustainable Energy Future: Legal and Policy Changes, GW Law School (April 11, 2013).
- “Letting Nature Work for the Pacific Northwest: A Manual for Protecting Ecosystem Services under Existing Law,” presentation at webinar sponsored by the Center for Progressive Reform (April 3, 2013).
- “Introduction to Environmental Federalism,” presentation to the U.S. State Department’s International Visitor Leadership Program, Global Water Security Initiative: A Project for India, Washington, D.C. (April 1, 2013).
- “The Efficacy of Coercive and Cooperative Enforcement Approaches to Water Pollution Control,” presentation at workshop on “Next Generation Environmental Compliance”

sponsored by EPA, GW, and Berkeley, GW Law School, Washington, D.C. (Dec. 12, 2012).

“An Assessment of The Failures of Public Land Law Since the Adoption of FLPMA,” introduced and moderated panel at the 58th Annual Rocky Mountain Mineral Law Institute, Newport Beach, CA (July 19,2012).

“A Comparative Analysis of US and EU Regulatory Safeguards for Ecosystem Service Markets,” presentation at workshop on “Regulatory and Institutional Frameworks for Markets for Ecosystem Services,” University of Surrey, Surrey, UK (June 7, 2012).

“An Overview of Federalism and Environmental Law,” presentation to the International Visitor Leadership Program of the U.S. Department of State, “Unconventional Gas Technical Engagement: A Project for Columbia,” Center for Global Connections, Washington, D.C. (April 23, 2012).

“Adapting Laws to Facilitate Better Private Sector Adaptation to Climate Change,” panel moderator at day-long workshop, University of North Carolina School of Law, Chapel Hill, NC (Mar. 30, 2012).

“Anti-Degradation Policy and the Clean Water Act: A Natural Resource Management Analogy,” organizer and presenter at conference on “The Clean Water Act at 40,” The George Washington University Law School, Washington, D.C. (Mar. 22-23, 2012).

“Federalism, Government Reorganization, and Climate Change Adaptation,” presentation at the Searle Center Conference on “Federalism and Energy in the United States,” Northwestern University School of Law, Chicago, IL (Mar. 2, 2012).

“Regulatory Stress, Government Realignment, and Climate Change Adaptation,” presentation at Works in Progress workshop for GW Law faculty, Washington, D.C. (Feb. 29, 2012).

“Federalism, Climate Change Adaptation, and Government Realignment,” presentation at conference on “Reclaiming Environmental Federalism,” Washington & Lee School of Law, Lexington, VA (Feb. 17, 2012).

“A Multi-Dimensional Framework for Reallocating Government Authority in Response to Regulatory Stress: Managing Climate Change Adaptation,” presentation at Faculty Works in Progress series at University of Notre Dame Law School, South Bend, IN (Feb. 3, 2012).

“The ESA Implementation Tipping Point: Climate Change and Listing, Consultation, and the Takings Prohibition,” presentation at AALS Annual Meeting Hot Topic Panel, Washington, D.C. (January 6, 2012).

Moderator of panel presentations on The George Washington Law Review's Annual Scholars' Review of Administrative law, at the 2011 Administrative Law Conference sponsored by GW and the ABA Section of Administrative Law and Regulatory Practice, Washington D.C. (Nov. 17, 2011).

Debate on "Environmental Regulation and the Administrative State," sponsored by the GWU Chapter of the Federalist Society, Washington, D.C. (Nov. 2, 2011).

Moderator of panel presentations on "Why Accountability Mechanisms Matter: Pressing for Change," at conference on "A Time for Action: Accountability in the Chesapeake," University of Maryland School of Law, Baltimore, MD (Oct. 21, 2011).

"Nondegradation Law in the United States: Can a Non-Rights-Based Doctrine Acquire Rights-Based Legitimacy?," paper presentation at Conference on the Nonregression Principle, University of Limoges, Limoges, France (Sept. 22, 2011).

"Natural Gas Extraction and Production Air Issues," participant in two-day roundtable conference sponsored by the Clean Air Act Council, Philadelphia, PA (August 3-4, 2011).

"An Overview of Natural Resource Management and Environmental Law and Policy: The Laws and the Governments that Implement Them," keynote presentation to International Visitors Program of the U.S. Department of State, in connection with the Phelps Stokes Fund, GW Law School (July 12, 2011).

"Toward a Well Adapted Future: A Legal Framework and Action Agenda for Climate Change Adaptation in the Puget Sound," speaker for Webinar sponsored by the Center for Progressive Reform" (May 17, 2011).

"A Clean Air Act Primer," presentation at "A Primer on Impending EPA Regulations Affecting the Power Sector," Energy Bar Association Annual Meeting, Washington, D.C. (May 4, 2011).

"Solar Power Development on Federal Lands: Balancing Energy, Environmental, and Climate Concerns under a Multiple Use Management Framework," presentation at "Advancing a Clean Energy Future," University of San Diego School of Law's Third Annual Climate & Energy Law Symposium, San Diego, CA (Apr. 15, 2011).

Speaker and workshop participant on "Institutional Design and Climate Change Adaptation: The Centralization, Overlap, and Coordination Axes," at "Research Roundtable — Climate Change, Adaptation, and Environmental Law," Northwestern University Law School. Searle Center, Chicago, IL (Apr. 7-8, 2011).

“Science, Politics, and Ethics in Regulation,” presentation at conference on “Science and Regulation: Examining the Role of Scientific Evidence in the Regulatory Process,” American University Washington College of Law, Washington, D.C. (Apr. 6, 2011).

“Federalism Implications of Climate Change Adaptation,” presentation to the faculty at Widener University School of Law Distinguished Speaker Series, Wilmington, DE (Mar. 16, 2011).

“Executive Power: Taking Care of the Unitary Executive,” presentation to constitutional law class at Widener University School of Law, Wilmington, DE (Mar. 16, 2011)

“Solar Projects on BLM Lands: Balancing Energy and Climate Concerns with Multiple Use Management Mandates,” presentation at “Law and Sustainability Symposium: The Energy-Land Use Nexus,” Florida State University, Tallahassee, FL (Feb. 25, 2011).

“Climate Change Adaptation, Adaptive Management, and International Law,” guest lecture by video stream to class on “International Law, Agricultural Development, and Environmental Protection,” at the University of Kansas School of Law (Feb. 16, 2011).

“Reducing Pollution of the Chesapeake: EPA’s Watershed Implementation Plan Process,” presentation at GW Environmental Law Association panel discussion on local water quality issues, GW Law School, Washington, D.C. (Feb. 9, 2011).

“EPA and the Courts in the Early 21st Century: Judicial Treatment of Justiciability Issues,” presentation at “The EPA at 40: Assessing Its Past and Future,” Duke University Law School, Durham, NC (Jan. 24, 2011).

Moderator of panel discussion on Adaptation in Puget Sound, at conference on “Toward a Well Adapted Future in Puget Sound: A Symposium on Climate Change Adaptation and the Law,” Seattle University School of Law, Seattle, WA (Jan. 21, 2011).

Moderator of panel discussion on “Climate Change Adaptation: The Road Ahead,” at semi-annual meeting of the Center for Progressive Reform, San Francisco, CA (January 7, 2011).

Moderator of panel discussion on “Legal Issues and the Gulf Oil Spill,” at celebration of the 40th anniversary of the GW Law Environmental Program, Washington, D.C. (Nov. 6, 2010).

“Institutional Design and Allocation of Authority to Address Climate Change Adaptation,” presenter at workshop I convened at GW Law School for law professor members of the Center for Progressive Reform on Climate Change Adaptation (Nov. 5, 2010).

“EPA’s Regulation of Greenhouse Gases,” presentation at “Climate Law 101: The Exiting Regulatory Framework,” GreenGov Symposium, George Washington University Law School, Washington, D.C. (Oct. 6, 2010).

“The Supreme Court’s 2010-2011 Term and Environmental Law,” panelist, Environmental Law Institute’s Annual Supreme Court Preview, Washington, D.C. (September 28, 2010).

Moderator, debate on “Free Market Environmentalism vs. Progressive Government,” George Mason University Law School, Arlington, VA (September 28, 2010).

Moderator, discussion on *The People’s Agents and the Battle to Protect the American Public*, at University of Maryland School of Law, Baltimore, MD (September 23, 2010).

“Categorical Exclusions under NEPA and the Gulf Oil Spill,” presenter and panelist at “Brown Bag Lunch Series on Regulatory Compliance,” ABA Section of Administrative Law & Regulatory Practice, Regulatory Policy Committee, Washington, D.C. (June 28, 2010).

“Climate Change Adaptation on the Federal Lands,” presentation at 2010 Martz Summer Conference on “The Past, Present and Future of Our Public Lands,” Natural Resources Law Center, University of Colorado Law School, Boulder, CO (June 4, 2010).

“Climate Change Adaptation: A Collective Action Perspective on Federalism Considerations,” presentation at conference on “The Clean Air Act at a Crossroads: Turning 40, Confronting Climate Change,” Lewis & Clark Law School, Portland OR (April 22, 2010).

“Silo Precedents in Administrative Law,” Works in Progress presentation to the faculty, George Washington University Law School, Washington, D.C. (March 12, 2010).

Presenter and panelist on “New and Emerging Constitutional Theories and the Future of Environmental Protection,” at conference on “Environmental Protection in the Balance: Citizens, Courts, & the Constitution,” sponsored by Georgetown Law, Berkeley Law, and the Environmental Law Institute, Georgetown University Law Center, Washington, D.C. (Feb. 26, 2010).

Panel moderator, “Renewable Energy Siting Roundtable,” at conference on “Next Generation Energy and the Law,” The George Washington University Law School, Washington, D.C. (Feb. 18, 2009).

Moderator, debate on “Let 50 Flowers Bloom: Why Federalism is Good for the Environment,” The George Washington University Law School, Washington, D.C. (February 2, 2010).

“Protecting State and Local Authority Against Preemption: The Patchwork Argument and Climate Change,” presentation at “State Summit on Climate Change and Preemption,”

hosted by the National Association of Clean Air Agencies, the Center for Progressive Reform, the University of Maryland School of Law, and The Washington College of Law at American University, Washington D.C. (March 25, 2009).

“Science, Politics, Law, and the Clean Water Act: The Path from Blueprint to Reality,” presentation at Washington University Journal of Law and Policy Symposium on “New Directions in Environmental Law,” St. Louis, MO (Mar. 20, 2009).

“Preserving Environmental Principal and Ecological Integrity: A Natural Resource Trust for the Multiple Use Lands,” presentation to the faculty at the George Washington University Law School, Washington, D.C. (February 5, 2009).

“Access to Courts: Remedial Preemption and Collective Action,” presentation at Case Western Reserve University School of Law, Law Review Symposium on "Access to the Courts in the Roberts Era," Cleveland, OH (Jan. 30, 2009).

“Access and Remedies: *Summers* and the Supreme Court’s 2008-2009 Environmental Term,” Presenter and panel member at meeting of the Center for Progressive Reform, San Diego CA (January 6, 2009).

“Global Climate Change: Its Causes and Effects (Near and Wide) on Our Environmental and Energy Future,” Lawrence Sustainability Advisory Board’s Lawrence Home Energy Conservation Fair, Lawrence, KS (October 18, 2008).

“Climate Change Causes, Consequences, and Policies: The Science and the Law,” presentation at EPA-funded conference on “Climate Change, Myth or Reality,” University of Missouri-Kansas City School of Education, Global and Multicultural Education Center, Kansas City, MO (June 2, 2008).

“Climate Change in the Courts,” presentation at a CLE program on Recent Developments in the Law, Lawrence, KS (May 29, 2008).

“The Holcomb Power Plant Imbroglia: Using Statutory Endangerment Provisions to Combat Climate Change,” presentation to University of Kansas School of Law faculty, Lawrence, KS (April 25, 2008).

“Coal, Electric Power, and the Environment: Climate Change comes to Kansas,” presentation to the University of Kansas School of Law Environmental Law Society, Lawrence, KS (April 17, 2008).

“The Influence of Facility Characteristics on Environmental Performance Following Government Interventions Under the Clean Water Act,” presentation at Boston College Law School Environmental Affairs Law Review Fall Symposium: The Greening of the Corporation, Boston, MA (Oct. 25, 2007) (with D. Earnhart).

- “The Failure of U.S. Climate Change Policy,” “A Familiar Litany: Industry and Political Opposition to Climate Change Action,” and “A Summary of the Consequences of Global Climate Change,” presentations at Facts, Ideas, and U.S. Climate Change Policy: A Conference on Climate Change, University of Kansas School of Law, Lawrence, KS (Oct. 19-20, 2007).
- “The Impact of Environmental Law on Rural Legal Practice: Dealing with Bogs and Bugs,” CLE presentation at KBA -Kansas Farm Bureau program on Agricultural Law Update, Manhattan, KS (Sept. 21, 2007).
- “The Roadless Rule and Other Strategies for Protecting Public Lands,” presentation at the Natural Resources Law Center 25th Anniversary Conference and the Natural Resources Law Teachers 14th Biennial Institute: The Future of Natural Resources Law and Policy, Boulder (June 7, 2007).
- “Recent Developments in Environmental Law: The Supreme Court Weighs In,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 1, 2007).
- “Important Environmental Law Developments, 2007,” KBA Annual Survey of the Law, Topeka, KS (May 2, 2007).
- “The Impact of Global Climate Change on Hurricanes and Flood Risks,” presentation to the University of Kansas School of Law Environmental Law Society, Lawrence, KS (April 19, 2007).
- “Preemption and the Purposes of Federal Environmental Regulation,” presentation at conference on “Ordering State-Federal Relations through the Preemption Doctrine,” held at the Northwestern University School of Law, Chicago, IL (April 5, 2007) (with R. Levy).
- “Negative Preemption and the Purposes of Federal Environmental Regulation,” presentation at Faculty Research Workshop at the University of Kansas School of Law, Lawrence, KS (with Richard Levy) (March 6, 2007).
- “U.S. Water Quality Law Overview,” presentation for Asian Groundwater Experts Program,” Lawrence, KS (November 28, 2006).
- “Nothing is Real: Federal Preemption by Inaction,” presentation at a conference on “Federalism in the Overlapping Territory,” held at Duke University Law School in Durham, North Carolina (November 10-11, 2006).
- “Coercive v. Cooperative Environmental Enforcement under the Clean Water Act: A Study of the Chemical Industry,” presentation at the 4th IUCN Academy of Environmental Law Colloquium: Toward More Effective Implementation of Environmental Law,

Enforcement and Compliance, held at the New York State Judicial Institute at Pace University School of Law in White Plains, NY (October 16, 2006).

“Will Global Warming Aggravate the Risk of Damage from Hurricanes and Coastal Flooding?”, presentation at faculty research workshop at Emory University School of Law, in Atlanta, GA (September 13, 2006).

“Will Global Warming Aggravate the Risk of Damage from Hurricanes and Coastal Flooding?”, presentation at University of Kansas School of Law Legal Research Workshop,, in Lawrence, KS (September 8, 2006).

“Global Climate Change, Hurricanes, and Coastal Flooding: Is There a Link?”, presentation at Loyola University New Orleans College of Law, for conference on Katrina Consequences: What Has the Government Learned?, in New Orleans, LA (August 25, 2006).

“The Perversion of Cooperative Environmental Federalism,” presentation at Wake Forest University School of Law Symposium on Modern Federalism Issues and American Business, in Winston-Salem, NC (April 7, 2006).

“Bridging Data Gaps through Modeling and Evaluation of Surrogates: Use of the Best Available Science to Protect Biological Diversity Under the National Forest Management Act,” presentation at the University of Indiana (Bloomington) School of Law, for conference on Missing Information: Environmental Data Gaps in Conservation and Chemical Regulation, in Bloomington, IN (March 24, 2006).

“The Jurisprudence of William Rehnquist on Environmental, Natural Resources, and Takings Law,” presentation at Georgetown University Law Center, in Washington, D.C. (November 7, 2005).

“Using Eminent Domain to Promote Economic Development After *Kelo*,” testimony before the Joint Committee on Economic Development of the Kansas Legislature, in Topeka, KS (October 11, 2005).

“Using Back-End Adjustments to Improve Risk Regulation,” presentation at Albany Law School in Albany, N.Y. (April 21, 2005).

“Environmental Justice at EPA,” presentation at forum on “Social Justice and Environmental Law” at the University of Kansas School of Law in Lawrence, KS (April 18, 2005)

“Ducking the Latest Blow to the Availability of Suits to Challenge Agency Inaction,” presentation at conference sponsored by the University of Florida College of Law, “Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate,” in Clearwater, FL (November 12, 2004)

- “Do Government Interventions Induce Better Environmental Behavior? It May Depend on the Regulator’s Approach,” presentation at the University of Kansas to EPA and KDHE, in Lawrence, KS, as part of the Policy Research Institute and Hall Center for the Humanities Seminar Series, titled “Environmental Behavior: Why People Do What They Do” (April 29, 2004)
- “Moving in Opposite Directions: Roadless Area Management Under the Clinton and Bush Administrations,” presentation at Lewis & Clark Law School for symposium sponsored by the National Association of Environmental Law Societies, Public Lands Management at the Crossroads: Balancing Interests in the Twenty-First Century, in Portland, OR (March 26, 2004)
- “Judicial Review of EPA Statutory Interpretations in the Wake of *Chevron*,” presentation at Villanova University School of Law for symposium, Twenty Years After: The Impact of the Chevron Decision Upon the Development of Federal Environmental Law, in Villanova, PA, (March 13, 2004)
- “Waivers, Exceptions, and Adjustments: Perfecting Regulation on the Back End,” presentation at symposium on Reforming Environmental Law: Can Regulation Be More Adaptive?, Lawrence, Kansas (March 4, 2004)
- “Shaping Corporate Environmental Behavior: The Impact of Civil Enforcement,” presentation at Albany Law School, Albany, N.Y. (November 18, 2003)
- “Snowmobiles in Yellowstone: Motorized Recreational Vehicle Use on the Federal Lands,” presentation at Forum on Personal Watercraft, Snowmobiles, and ATVs – Personal Use v. Environmental Impacts, Albany Law School, Albany, N.Y. (November 18, 2003)
- “Recent Developments in Environmental Law: Legislative, Regulatory, and Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 6, 2003)
- “Citizen Suits Against the Federal Government,” speech at conference on Environmental Citizen Suits at Thirtysomething: A Celebration & Summit, at Widener University School of Law in Wilmington, DE (April 4, 2003)
- “Law School Casebooks as Teaching and Scholarship Tools,” presentation to University of Kansas School of Law Legal Theory Workshop, in Lawrence, Kansas (February 25, 2003)
- “Recent Developments in Environmental Law: Legislative and Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 7, 2002)

- “The Limits of Federal Control over Wetlands and Environmental Protection Efforts,” presentation to the Annual Meeting of the Society for Risk Analysis, in Seattle, WA (December 3, 2001) (by fax).
- “EPA, the Courts, and Science,” speech at conference on EPA at Thirty, Evaluating and Improving the Environmental Protection Agency, at Duke Law School in Durham, N.C. (December 7, 2000).
- “Instrument Choice and Incrementalism in Environmental Policymaking,” presentation to the University of Kansas Environmental Policy Colloquium, in Lawrence, Kansas (October 16, 2000).
- “NEPA Legal Issues: Reducing Your Vulnerability to Litigation,” speech and workshop presentation to the 25th Annual Conference of the National Association of Environmental Professionals, in Portland, Maine (June 29, 2000).
- “Recent Developments in Environmental Law: Judicial, Legislative, and Administrative Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 2, 2000).
- “Back to the Future: Rescuing Environmental, Health, and Safety Standards from the Economic Paradigm,” presentation (with S. Shapiro) at Chicago-Kent College of Law’s Program in Environmental and Energy Law: New Directions in Environmental Governance, in Chicago, Illinois (January 28, 2000).
- “NEPA Legal Issues: Reducing Your Vulnerability to Litigation,” speech and workshop presentation to the 24th Annual Conference of the National Association of Environmental Professionals, in Kansas City, Missouri (June 24, 1999).
- “Recent Developments in Environmental Law: Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 4, 1999).
- “Land Exchanges and Access Issues in the Colorado River Basin and Beyond,” speech to Tenth Institute for Natural Resources Law Teachers sponsored by Rocky Mountain Mineral Law Foundation, et al., Las Vegas, Nevada (May 13, 1999).
- “Environmental Law and the Practicing Scientist,” presentation to Junior/Senior Seminar on Chemistry, Lawrence, Kansas (March 30, 1999).
- “Categorizing Risk Regulation,” workshop at Washington University School of Law, St. Louis, Mo. (November 20, 1998).
- “Recent Developments in Environmental Law: Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 5, 1998).

- “Aspirational Pragmatism and the Fate of Risk Regulation,” presentation at Nature and Culture Colloquium of faculty and graduate students, Lawrence, Kansas (October 31, 1997).
- “Standing in the Shadows: Standing to Sue in Environmental and Public Natural Resources Law Cases,” speech at a CLE program sponsored by the Kansas City Metropolitan Bar Association and the KCMBA Environmental Law Committee, in Kansas City, Mo. (October 14, 1997).
- “Recent Developments in Environmental Law: Legislative and Judicial Highlights,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 7, 1997).
- “Fear and Loathing on the Federal Lands,” inaugural lecture for the Robert W. Wagstaff Distinguished Professorship, in Lawrence, Kansas (March 3, 1997).
- “Criminal Culpability and Environmental Law” and “Criminal Prosecution of Environmental Offenses (Point/Counterpoint),” two presentations and moderator of day-long seminar on “Avoiding Environmental Liability: A Corporate and Personal Challenge,” in Wichita, Kansas (October 23, 1996).
- “Recent Developments in Environmental Law: A Grab Bag of Legislative and Judicial Developments,” speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 7, 1996).
- “Criminal Culpability and Environmental Law,” presentation and moderator of day-long seminar on “Avoiding Environmental Liability: A Corporate and Personal Challenge,” in Kansas City, Missouri (March 20, 1996).
- "The Impact of Federal Environmental Protection Laws on Water Allocation," speech to the annual Institute on Planning, Zoning, and Eminent Domain presented by the Municipal Legal Studies Center of the Southwest Legal Foundation in Dallas, Texas (November 15, 1995).
- "An Introduction to Risk Assessment," speech and moderator of day-long seminar on "Risk Assessment for Site Contamination and Cleanup," in Overland Park, Kansas (April 21, 1995).
- "Technical Issues in Air Permitting," Seminar Moderator, Overland Park, Kansas (November 4, 1994).
- "Sharing Water: Cities, Farms, and Ecosystems," Local Panelist for National Video-Conference, Lawrence, Kansas (October 14, 1994).

- "Legal and Judicial Systems and Environmental Policies," presentation to seminar in Environmental Policy, Environmental Studies Program, University of Kansas, Lawrence, Kansas (September 9, 1992).
- "EPA and the Courts," speech at Symposium sponsored by Duke University School of Law and Washington University School of Law on Assessing the Environmental Protection Agency After Twenty Years: Law, Politics, and Economics, Durham, North Carolina (November 15, 1990).
- "Introduction to Federal Regulation of Hazardous Waste Management," speech at and moderator of University of Kansas Continuing Legal Education Conference on the Law of Hazardous Waste Management, Lawrence, Kansas (July 15, 1988).
- "Federal Groundwater Quality Control Law and Policy," speech at the Ninth Annual Summer Program of The University of Colorado Natural Resources Law Center, on Water Quality Control: Integrating Beneficial Use and Environmental Protection, Boulder, Colorado (June 2, 1988).
- "The Quiet Revolution in Administrative Law," seminar presentation to the University of Miami School of Law faculty, Miami, Florida (April 1988).
- "Congress, the Supreme Court, and the Quiet Revolution in Administrative Law," seminar presentation (with S. Shapiro) to the Duke University School of Law faculty, Raleigh, North Carolina (February 1988).
- "Introduction to Federal Regulation of Hazardous Waste Management," speech and moderator of University of Kansas Continuing Education Seminar on Environmental Law for Hazardous Waste Handlers and Generators, Overland Park, Kansas (December 17, 1987).
- "Low Level Radioactive Waste Disposal: We'll Take This Stuff if We Have To, But...", speech to American Chemical Society Annual Meeting, New Orleans, Louisiana (September 3, 1987).
- "Groundwater Quality Protection in Kansas: A Review of Existing State Policies and Programs," speech to the Conservation Forum, Salina, Kansas (October 10, 1987).
- "The Fight for Superfund Reauthorization," presentation to the University of Kansas Environmental Law Society, Lawrence, Kansas (October 1986).
- "Legislative Approaches to the Prevention of Groundwater Contamination in Kansas," speech to university of Kansas undergraduate seminar in Topics in Contemporary Chemistry, Lawrence, Kansas (April 7, 1986).

"Interstate Compacts for Low-Level Radioactive Waste Disposal: Are the Ramparts Against Out-of-State Waste Defensible," speech to American Chemical Society, Division of Chemistry and Law, Chicago, Illinois (September 10, 1985).

"Legal Aspects of Water Quality," speech to Kansas high school debaters sponsored by the Division of Continuing Education and the Department of Speech of Kansas State University, Lawrence, Kansas (by teleconference statewide) (September 17, 1985).

"The Wolf Creek Nuclear Plant and Excess Capacity," speech and moderator of panel discussion as part of symposium sponsored by the Kansas Law Review, Lawrence, Kansas (February 2, 1985).

"Chemical Waste Disposal and the Superfund," presentation to University of Kansas seminar for Humanities 510: Science, Technology, and Society, Lawrence, Kansas (November 1984).

"Acid Rain: The Choice is Ours," presentation as part of panel discussion sponsored by the Jayhawk Audubon Society, Lawrence, Kansas (April 19, 1984).

"Acid Rain: Requiem or Recovery?," presentation and panelist at meeting sponsored by Sierra Club, Lawrence, Kansas (November 16, 1983).

"The Status of Nuclear Waste Disposal," speech sponsored by the University of Kansas Energy Research Center, Lawrence, Kansas (April 1, 1983).

Law School Service

Academic Committee, 1982-83, 1995-96, 1996-97 (Chair), 1997-98 (Chair), 1998-99 (Chair), 1999-2000 (Chair), 2001-02, 2007-08

Ad Hoc Faculty Appointments Policy and Procedure, Spring 2008, 2008-09

Ad Hoc Grievance Procedure Review Committee, 1999-2000, 2000-01

Admissions Committee, 1985-86, 2001-02

Awards and Special Events Committee, 1984-85, 1990-91

Chaired Professors Committee, 1996-present

Curricular Innovation Committee, 2006-07, 2007-08, 2008-09

Energy Law Working Group (Chair), 2012-2013

Faculty Appointments/Recruitment Committee

KU: 1991-92, 1992-93, 1997-98, 2000-01 (Acting Chair, spring 2001), 2002-03 (Co-Chair), 2003-04 (Co-Chair), 2007-08, 2008-09 (Chair)

GW: 2013-114, 2014-15

Intellectual Life Committee (GW), 2011-12

Law Review Co-Advisor, 2001-02

Library Committee, 1983-84, 1989-90

Placement Committee, 1994-95

Research Committee, 1986-87 (Chair), 1987 (Fall), 1988-91, 1991-92 (Chair), 1992 (Fall), 1995-96; 1996-97

Search Committee, Koch Distinguished Professor of Law and Business, 1991-93

Search Committee, Faculty Research Law Librarian, 2000-01

Self-Study Committee, 1984-85, 2004-06 (Chair)

Teaching Committee (GW), 2009-10

Tenure and Promotion and Committee

KU: 1986-87, 1992-93, 1998-99, 1999-2000, 2004-05, 2004-05

GW: 2010-11, 2011-12, 2012-2013 (Chair)

Chair, University of Kansas Law Faculty Association, 1984-85

Co-coordinator, Second Year Moot Court Competition, 1983-86

Faculty Representative to Association of American Law Schools, 1984-85 (including delegate at AALS Annual Meeting in Washington, D.C., January 1985)

Faculty Co-Advisor, Environmental Law Society, 1984-88, 1990-91, 1995-2009

Supervisor, student Independent Research papers (approximately 2 each semester), 1982-present

Faculty Reader, student Law Review Notes involving environmental law issues, 1982-present

University Service

Ad Hoc Committee on an Environmental Institute, 1996-97

Biohazards Committee, 1984-87

Chemical Hygiene Subcommittee, Laboratory Safety Committee, 1995-2003

Dean Search Committee, 1998-99

Faculty Advisory Council, University of Kansas Center for Environmental Education and Training, 1994-96

Policy Committee, Kansas Water Resources Research Institute, 1982-87

Member, Executive Board, University of Kansas Chapter, American Association of University Professors, 1985-87

Supervised two week unit of Humanities 510: Science, Technology, and Society, concerning "Chemical Waste Disposal and the Superfund" (including 90-minute lecture during the first week and participant in 90-minute panel discussion the second week) (October 9 and 16, 1984)

Member of coordinating faculty for Humanities 510: Science, Technology, and Society (Spring 1989)

Dean Davis' Review Committee, 1984-85

First Level Review Committee, General Research Fund, 1987

Community and Professional Service

Advised the Secretariat of the Commission for Environmental Cooperation established by the North American Agreement on Environmental Cooperation on issues pertaining to domestic and international environmental law, 1999-2001)

Advised the United States Senate Committee on Environment and Public Works and the United States Department of Justice on proposed amendments to the Clean Water Act, June-July 1994

Member, Board of Directors, Center for Progressive Reform (January 2008 to present)

Working Group Leader and Member Scholar, Center for Progressive Regulation, 2002-present

Member, Committee on Education, Outreach and Policy of the City of Lawrence's Climate Protection Task Force (beginning June 2008)

Commenter for American Bar Association's Central and East European Law Initiative on draft Bulgarian Waste Law, April 1993

Member, Lawrence Board of Zoning Appeals, 1983-87

Member, National Asbestos Conference Steering Committee; attended two-day planning session in Kansas City, Missouri (March 17-18, 1985)

Reporter for Kansas Bar Association's "Real Estate, Probate and Trust Law Section Newsletter" (responsible for analyzing and providing written summaries approximately three times a year of significant new Kansas court decisions concerning real property law), 1983-88

Member, Executive Committee, and Issue Leader for Clean Air, Clean Water, and Hazardous Waste Issues, Wakarusa Group, Kansas Chapter, Sierra Club, 1983-87

Member, Board of Directors, Kansas Natural Resources Council, 1987-88

Conservatives Flip-Flopped on Cap-and-Trade, The Wichita Eagle, June 30, 2008 (op-ed)

Love that Dirty Water? A Status Report on the Courts and the Environment (with D. Gottlieb) (report prepared for the Alliance for Justice) (March 2000)

Committee Reports, Environmental Group: Superfund and Hazardous Waste, in ABA SECTION ON NATURAL RESOURCES, ENERGY, AND ENVIRONMENTAL LAW 1998: THE YEAR IN REVIEW (1999) (contributing author; Marla E. Mansfield, ed.)

Committee Reports, Environmental Group: Superfund and Hazardous Waste, in ABA SECTION ON NATURAL RESOURCES, ENERGY, AND ENVIRONMENTAL LAW 1997: THE YEAR IN REVIEW (1998) (contributing author; Marla E. Mansfield, ed.)

EPA Case, Others Limit Federal Regulatory Authority, The Kansas City Star, June 1, 1999, at B6 (with K. Brooks) (op-ed)

Outline Presentation, "RCRA and Clean Air Act Developments," National Law Journal Sixth Annual General Counsel Conference (New York City June 13-14, 1994) (with M. Rodburg)

Outline Presentation, "De Minimis Settlements — How to Make Them Work," Information Network for Superfund Settlements (Washington, D.C. Oct. 5, 1993) (with M. Rodburg)

Article, "Legal Framework of Direct Investments and Acquisitions in the United States by Foreign Companies," Union Internationale des Avocats: Etudes et Documents 9 (1981) (reprinted in August 31, 1981 issue of the New York Law Journal) (with A. Newberg and J. E. Marans)

Article, "Judicial Developments Affecting DOE Enforcement Actions," Oil and Gas Regulation Analyst, March 1981, at 5

Article, "Department of Energy's OHA Shows Ability in Crisis," Legal Times of Washington, April 28, 1980, at 5 (with S. Schotland)

Article, "Are Citizen Suits An Industry Burden?," 62 Miami Rev. No. 195, at 14 (March 21, 1988)

Article, "Making the Most of Law School: Preparing for a Career in Environmental Law," The NAELS Reporter (Fall 2000) (the newsletter of the National Association of Environmental Law Societies)

Article, "Clean Air, Dirty Cars: America's Love Affair With the Automobile," 2 Univ. of Miami Environmental Law Society Bulletin No. 2, at 1 (Spring 1988)

Participant, Public Law Workshop, "How Can Regulators and Administrators Determine the Public Interest?," Lawrence, Kansas (May 4, 1984)

Participant, Economic Seminar for KU Faculty, Lawrence, Kansas (May 16-26, 1983)

Member, American Bar Association, 1977-present

Member, District of Columbia Bar, 1977-present

Member, Kansas Bar Association, 1990-present