

## WENDY E. WAGNER

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### Employment

- 2001-present *University of Texas School of Law, Austin, TX – Richard Dale Endowed Chair*
- 2008-2009 *Case Western Reserve School of Law, Cleveland, OH – Professor (joint tenured appointment with University of Texas)*
- 2001 (spring) *Columbia University School of Law, NY, NY – Visiting Professor of Law*
- 1999 (spring) *Vanderbilt University Law School, Nashville, TN – Visiting Associate Professor (part-time (1 day/wk))*
- 1992-2000 *Case Western Reserve University School of Law and Weatherhead School of Management, Cleveland, OH – Assistant/Associate Professor of Law (92-99) and Marketing and Policy Studies (97-99); Professor of Law and Marketing and Policy Studies (99-2000)*
- 1991-92 *Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. -- Pollution Control Coordinator*
- 1988-91 *Enforcement Section, Environment and Natural Resource Division, Department of Justice, Washington, DC -- Honors Attorney*
- 1987-88 *The Honorable Albert J. Engel, U.S. Court of Appeals for the Sixth Circuit, Grand Rapids, MI -- Law Clerk*
- 1983-84 *Environmental Defense Fund, NY, NY -- Staff Scientist (2 summers and part time during 83-84 academic year)*

### Education

- 1988 *University of Virginia, Department of Environmental Sciences  
Ph.D. student (no degree), Wetlands Ecology (Advisor: Bill Odum)*
- 1984-87 *Yale Law School, Juris Doctorate*
- 1982-84 *Yale School of Forestry and Environmental Studies, Masters of Environmental Studies*
- 1978-82 *Hanover College, Hanover, Indiana, Bachelor of Arts, Summa Cum Laude  
(Major-Biology; Minor-Math)*

### Selected Professional Honors

2018 American Bar Association Award for Scholarship in Administrative Law, for *Dynamic Rulemaking*

The University of Texas Women's Law Caucus "Professor of the Year" in 2015

University of Texas Robert W. Hamilton Book Award, Grand Prize 2009, for *Bending Science* (with Tom McGarity)

Case Law School 1L Professor of the Year (2008-2009)

Texas Law Fellowships Award for Outstanding Faculty Contribution to Public Interest Law (2006)

Texas Law Review Award for Outstanding Faculty Contribution to Student Scholarship (2004-05)

Teacher of the Year, CWRU School of Law (2000)

U.S. Department of Agriculture Special Service Award (1992)

U.S. Department of Justice Special Achievement Award (1991)

Henry C. Long Citation for Scholarship and General Excellence (Outstanding Senior Woman at Hanover College 1981-82)

Helen D. Joel W. Hadley Prize in Biology (Outstanding biology student at Hanover College 1981-82)

Senior Speaker at 1982 Hanover College Commencement (elected by class)

### Publications

#### BOOKS

INCOMPREHENSIBLE! A STUDY OF HOW OUR LEGAL SYSTEM ENCOURAGES INCOMPREHENSIBILITY, WHY IT MATTERS, AND WHAT WE CAN DO ABOUT IT (Cambridge University Press 2019)

BENDING SCIENCE: HOW SPECIAL INTERESTS CORRUPT PUBLIC HEALTH RESEARCH (co-authored with Tom McGarity) (Harvard University Press 2008)

RESCUING SCIENCE FROM POLITICS: REGULATION AND THE DISTORTION OF SCIENTIFIC RESEARCH (co-edited with Rena Steinzor) (Cambridge University Press 2006)

## ARTICLES

*Deliberative Rulemaking; An Empirical Study of Participation in Three Agency Programs* (with Tom McGarity, Bill West, and Lisa Peters), 73 ADMIN. L. REV. 609 (2021)

*Dynamic Rulemaking* (with Tom McGarity, Bill West, and Lisa Peters), 92 N.Y.U. LAW REVIEW 183 (2017)

*Racing to the Top: How Regulation Can Be Used to Create Incentives for Industry to Improve Environmental Quality (Environmental Law Distinguished Lecture)*, 29 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 1 (2014) (invited)

*Making Method Visible: Improving the Quality of Science-based Regulation*, 2 MICHIGAN JOURNAL OF ADMINISTRATIVE AND ENVIRONMENTAL LAW 429-71 (2013) (with Pasky Pascual and Liz Fisher)

*Revisiting the Impact of Judicial Review on Agency Rulemaking: An Empirical Investigation*, 53 WILLIAM AND MARY L. REV. 1717-95 (2012)

*Rulemaking in the Shade: An Empirical Study of EPA's Air Toxic Emission Standards*, 63 ADMINISTRATIVE LAW REVIEW 99 (2011) (with Katherine Barnes & Lisa Peters).

*Administrative Law, Filter Failure, and Information Capture*, 59 DUKE L. J. 1321 (2010), *reprinted* in the Environmental Law and Policy Annual Review, 41 ELR 10732 (2011).

*Understanding Environmental Models in their Legal and Regulatory Context*, 22 J. OF ENVTL. L. 251 (2010) (with Elizabeth Fisher and Pasky Pascual)

*Misunderstanding Models in Environmental and Public Health Regulation*, 18 N.Y.U. ENVTL. L. J. 293 (2010) (with Elizabeth Fisher and Pasky Pascual), *reprinted* in 2011 LAND USE AND ENVIRONMENT LAW REVIEW -- (A. Dan Tarlock & David Callies, eds.)

*When All Else Fails: Regulating Risky Products through Tort Litigation*, 95 GEORGETOWN L. J. 693 (2007).

*Commons Ignorance: The Failure of Environmental Law to Produce Needed Information on Health and the Environment*, 53 DUKE L. REV. 1619 (2004).

*Legal Aspects of the Regulatory Use of Environmental Modeling*, 10 Environmental Law Reporter (ELI) 10751 (2003) (co-authored with Tom McGarity).

*Congress, Science and Environmental Policy*, 1999 U. OF ILLINOIS L. REV. 181

*Breast Implants Revisited: Beyond SCIENCE ON TRIAL*, 1997 WISCONSIN L. REV. 705 (1997) (coauthored with Rebecca Dresser and Paul Giannelli)

*Choosing Ignorance in the Manufacture of Toxic Products*, 82 CORNELL L. REV. 773 (1997)

*The Science Charade in Toxic Risk Regulation*, 95 COLUMBIA L. REV. 1613 (1995), reprinted in 1997 LAND USE AND ENVIRONMENT LAW REVIEW 627 (Stuart L. Deutsch & A. Dan Tarlock eds.)

#### SYMPOSIUM ARTICLES

*No One Solution to the “New Demarcation Problem?: A view from the trenches*, 92 STUDIES IN HISTORY AND PHILOSOPHY OF SCIENCE 177 (2022)

*Is the Administrative State Ready for Big Data?* (with Martin Murillo), “Data and Democracy” Series of the Knight First Amendment Institute at Columbia University, available at <https://knightcolumbia.org/research/data-and-democracy>.

*The Legal Sanctuary for Human Experimentation*, “Celebrating Marshall Shapo Festschrift,” 115 NORTHWESTERN LAW REVIEW ONLINE 322 (2020)

*It isn’t Easy being a Bureaucratic Expert: Celebrating the EPA’s Innovations*, 70 CASE WESTERN LAW REVIEW 1093 (2020).

*Deregulation using Stealth Science Strategies*, 68 DUKE L.J. 1719 (2019) (co-authored with Tom McGarity)

*A Place for Agency Expertise: Reconciling Agency Expertise with Presidential Power*, 115 COLUMBIA LAW REVIEW 2019 (2015)

*Rethinking Judicial Review of Expert Agencies*, 93 TEXAS LAW REVIEW 1681 (2015) (coauthored with Liz Fisher and Pasky Pascual)

*The Participation-Centered Model meets Administrative Process*, 2013 WISCONSIN L. REV. 671

*The Enlightenment of Administrative Law: Looking Inside the Agency for Legitimacy*, 47 WAKE FOREST LAW REVIEW 463-502 (2012) (symposium) (with Sid Shapiro & Liz Fisher)

*Imagining Corporate Sustainability as a Public Good rather than a Corporate Bad*, 46 WAKE FOREST LAW REVIEW 561 (2011), republished in 43 ENVTL. L. REPORTER 10698 (2013)

*Emerging Science, Adaptive Regulation, and the Problem of Rulemaking Ruts*, 86 TEXAS L. REV. 1701 (2008) (with Lynn Blais)

*Using Competition-Based Regulation to Bridge the Toxics Data Gap*, 83 INDIANA L. J. 629 (2008), *reprinted* in the Environmental Law and Policy Annual Review, Environmental Law Reporter (2009).

*Children's Health and Environmental Exposure Risks: Information Gaps, Scientific Uncertainty, and Regulatory Reform*, 17 DUKE ENVIRONMENTAL LAW AND POLICY FORUM 249 (2007) (with Lynn Blais)

*Stormy Regulation: The Problems that Result when Stormwater (and Other) Regulatory Programs Neglect to Account for Limitations in Scientific and Technical Information*, 9 CHAPMAN L. REV. 191 (2006).

*The Perils of Relying on Interested Parties to Evaluate Scientific Quality*, 95 AMERICAN JOURNAL OF PUBLIC HEALTH S99 (2005).

*Equal Treatment for Regulatory Science: Extending the Controls governing the Quality of Public Research to Private Research*, 30 AMERICAN JOURNAL OF LAW & MEDICINE 119 (2004) (co-author David Michaels), *reprinted* in 2004 LAND USE AND ENVIRONMENT LAW REVIEW -- (A. Dan Tarlock & David Callies, eds.)

*Importing Daubert to Administrative Agencies through the Information Quality Act*, 12 JOURNAL OF LAW AND POLICY 589 (2004).

*The 'Bad Science' Fiction: Reclaiming the Debate over the Role of Science in Public Health and Environmental Regulation*, 66 LAW & CONTEMP. PROBS., Autumn 2003, at 63.

*What's It All About, Cardozo?*, 80 TEXAS L. REV. 1577 (2002).

*Restoring Polluted Waters with Public Values*, 25 WILLIAM & MARY ENVIRONMENTAL LAW AND POLICY REVIEW 429 (2000).

*The Triumph of Technology-Based Standards*, 2000 U. OF ILLINOIS L. REV. 83, *reprinted* in THE THEORY AND PRACTICE OF COMMAND AND CONTROL IN ENVIRONMENTAL POLICY (Gloria E. Helfand & Peter Berck eds., forthcoming 2004).

*The Precautionary Principle and Chemical Regulation in the U.S.*, 6 HUM. ECOL. RISK ASSESSMENT 459 (2000).

*Rough Justice and the Attorney General Litigation*, 33 U. GA. L. REV. 935 (1999)

*Learning from Brownfields*, 13 J. OF NAT. RESOURCES & ENVTL. L. 217 (1998)

*Ethyl: Bridging the Science-Law Divide*, 74 TEXAS L. REV. 1291 (1996)

#### BOOK CHAPTERS

*Science, Politics, and Institutional Design in Regulation*, in PMBTS: MOLECULAR BIOLOGY AND CLINICAL MEDICINE IN THE AGE OF POLITICIZATION VOLUME 187, at pp. 1-27 (Toby Bolsen and Risa Palm eds. – Elsevier press 2022) (co-authored with Tom McGarity).

*Rethinking Legal Requirements: A case study of incomprehensible consumer contracts in the United States*, in RESEARCH HANDBOOK ON CONTRACT DESIGN pp. 114-133 (Marcelo Corrales Compagnucci, Helena Haapio, and Mark Fenwick, eds., Edward Elgar 2022)

*Participation in Administrative Process*, in COMPARATIVE LAW AND REGULATION: NATIONAL, INTERNATIONAL, AND TRANSNATIONAL PERSPECTIVES 109 (Francesca Bignami & David Zaring, eds.) (2016)

*Regulating by the Stars*, in ACHIEVING REGULATORY EXCELLENCE 36 (Cary Coglianese ed., Brooking Press 2016)

*The Clean Air Interstate Rule's Regulatory Impact Analysis: Advocacy Dressed up as Policy Analysis*, in RICHARD MORGENSTERN ET AL., REFORMING REGULATORY IMPACT ANALYSIS 56-81 (Resources for the Future press 2009).

*Stubborn Information Problems and the Regulatory Benefits of Gun Litigation*, in GUN LITIGATION (Timothy Lytton, ed.) 271 (U. of Michigan Press 2005).

*Science and Law*, in SCIENCE, TECHNOLOGY, AND SOCIETY (Sal Restivo ed.) 255 (Oxford U. Press 2005)

*Biotechnology, Congress, and EPA*, in ENCYCLOPEDIA OF ETHICAL, LEGAL & POLICY ISSUES IN BIOTECHNOLOGY 227-34 (Thomas Murray & Maxwell Mehlman eds. 2000).

*Judicial Review of Statistical Analyses in Environmental Rulemakings*, in STATISTICS IN THE COURTROOM 281 (Joseph Gastwirth ed. 2000)

*Overview of Federal and State Law Governing Brownfields Cleanups*, in BROWNFIELDS: A COMPREHENSIVE GUIDE TO REDEVELOPING CONTAMINATED PROPERTY 15-34 (Todd S. Davis & Kevin D. Margolis, eds. 1997) and (2d ed. 2002).

*Developments in Environmental Law and Natural Resources Regulation*, in ABA, ANNUAL DEVELOPMENTS IN ADMINISTRATIVE LAW – 1999 273-91 (Jeffrey

Lubbers, ed. 2000) (co-authored with Joshua D. Sarnoff) and *Developments 2000* 267-97 (Lubbers ed. 2001) (co-authored with Jonathan Entin and Joshua Sarnoff) and *Developments 2001* (Lubbers ed. 2002) (co-authored with Jonathan Entin, et al.); *Developments 2002* (Lubbers ed. 2003) (co-authored with Jonathan Entin, et al) *Developments 2003* (forthcoming 2004) (co-authored with Jonathan Entin, et al.).

#### MISCELLANEOUS COMMENTARY

*Legal Obstacles to Toxic Chemical Research*, 375 SCIENCE 138 (2022) (with Steve Gold)

*Filling gaps in science exposes gaps in regulation*, 368 SCIENCE 1066-68 (2020) (with Steve Gold)

*Whose Science? A New Era in Regulatory Science Wars*, 362 SCIENCE 636-39 (2018) (with Liz Fisher and Pasky Pascual)

*Essay: The Administrative Process from the Bottom Up: Reflections on the Role, If Any, for Judicial Review*, 69 ADMINISTRATIVE L. REV. 891-949 (2018) (with Neil Komesar)

*Book Review of Stuart Shapiro, Analysis and Public Policy: Successes, Failures and Directions for Reform*, 19 JOURNAL OF COMPARATIVE POLICY ANALYSIS: RESEARCH AND PRACTICE 88-89 (2017)

“The Missing Link in Citizen Participation in U.S. Administrative Process,” 3 [Accueil - Les Éditions de l'IMODEV](http://ojs.imodev.org/index.php/RIGO/article/view/47/126) (online Journal) (2016), available at <http://ojs.imodev.org/index.php/RIGO/article/view/47/126>.

*Holding Tight on the Reigns in Harnessing Industry Information: A Comment on Laurence Tai*, ADMIN. L. REV. ACCORD (2016) (invited)

*Assessing Asymmetries*, 93 TEXAS LAW REVIEW SEE ALSO 91 (2015) (invited)

*Introduction to the Symposium on the Future of Food Regulation*, 20 Health Matrix 1 (2010).

*How do you retire a person like Melvyn?*, 58 CASE WESTERN RESERVE. L. REV. 1101 (2008) (invited).

*Regulatory reinforcement of journal conflict of interest disclosures*, 63 JOURNAL OF EPIDEMIOLOGY AND COMMUNITY HEALTH 606 (2009) (with Tom McGarity) (invited).

*Faculty Response to “Tap into the law review literature – or better yet, submit an article!”*, 6 FRONTIERS IN ECOLOGY AND THE ENVIRONMENT 218 (2008) (invited).

*EPA's Delay in Responding to Scientific Advancements: A Reply to Conrad*, 34 *Envtl. L. Rep.* (ELI) 10497 (2004) (invited).

*Disclosure in Regulatory Science*, 302 *SCIENCE* 2073 (2003); and *Reply to "Questions about Disclosure,"* 304 *SCIENCE* 1447-49 (2004) (co-authored with David Michaels).

*Marine Mammal Protection Act*, in *MAJOR ACTS OF CONGRESS* (Alfred L. Brophy; Thomas O. Sargentich; Nancy C. Staudt eds.) (MacMillan Press 2004) (invited).

*Introduction to the symposium papers*, 6 *RISK DECISION AND POLICY* 121 (2001).

*Possible Legal Implications of Hormesis (a comment on Frank Cross)*, 9 *BELLE NEWSLETTER* 34 (2000) (invited).

*Review: Legal Alchemy by David Faigman*, 76 *QUARTERLY REVIEW OF BIOLOGY* 68 (2001) (invited).

*Teaching a Megacourse: Adventures in Environmental Policy, Team Teaching, and Group Grading*, 47 *J. OF LEGAL ED.* 224 (1997) (coauthored with Christine Corcos, Melvyn Durchslag, and Andy Morriss)

#### EDUCATIONAL MATERIALS

*The Regulation of Toxic Products in A PRACTICAL INTRODUCTION TO ENVIRONMENTAL LAW* 871-923 (authors: Joel Mintz, Steve Gold, Kalyani Robbins, and Cliff Villa) (2017)

*Models: Scientific Practice in Context* (an Educational Module sponsored by the National Academies of Science for Science-Based Policymaking) (with Elizabeth Fisher & Pasky Pascual) (2016), available at [http://sites.nationalacademies.org/pga/scipol\\_ed\\_modules/index.htm](http://sites.nationalacademies.org/pga/scipol_ed_modules/index.htm)

#### COMMISSIONED PAPERS

NCHRP, *IMPLICATIONS OF STATE AND AUTOMATED DRIVING SYSTEMS: VOL 2: STATE LEGAL AND REGULATORY AUDIT* (National Academies Press 2018) (with multiple co-authors)

Chapter 2, in Kara Kockelman et al., *Bringing Smart Transport to Texans: Ensuring the Benefits of a Connected and Autonomous Transport System in Texas* 15-80 (Nov. 2016), available at <https://library.ctr.utexas.edu/ctr-publications/0-6838-2.pdf>

"Science in the Administrative Process" (2013) (commissioned by ACUS),

available at <http://www.acus.gov/research-projects/science-administrative-process>

“Enforcement Against Concentrations of Toxic Pollution in Texas” (co-authored with Lynn Blais & Tom McGarity) (2003) (for Texas Council on Environmental Quality and US EPA)

“Legal Aspects of the Regulatory Use of Environmental Modeling” (co-authored with Tom McGarity) (2003) (for US EPA)

#### PUBLICATIONS WRITTEN PRIOR TO ACADEMIC APPOINTMENT

A CITIZEN'S GUIDE TO PROTECTING WETLANDS IN ALABAMA (1990) and GEORGIA (1989) (in cooperation with the Southern Environmental Law Center)

*Liability for Hazardous Wastes: The New Jersey Example*, 13 HARVARD ENVIRONMENTAL LAW REVIEW 245 (1989)

*Letter to the Editor*, 241 SCIENCE 1413 (1988)

*Trans-science in Torts*, 96 YALE LAW JOURNAL 428 (1986), reprinted in CHEMICAL VICTIMS--COMPENSATION WITHOUT FACT 85 (D.Schnare & M.Katzman eds. 1989)

*Environmental Regulation and the Doctrine of Scientific Uncertainty: A Case Study of the EPA's Cancellation of 2,4,5-T*, 6 JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES 7 (Spring 1986)

*Response: Acid Fog Health Impacts*, 34 JOURNAL OF THE AIR POLLUTION CONTROL ASSOCIATION 462 (1984)

*Benthic Diatom Response to the Removal of Macroconsumers*, 91 PROCEEDINGS OF THE INDIANA ACADEMY OF SCIENCE 237 (1982)

*Response of Benthic Diatoms to the Exclusion of Macroconsumers*, abs. 161 BIOLOGICAL BULLETIN 331 (1981)

#### WORKS IN PROGRESS

“How Not to Design an Expert Agency: Lessons from Administrative Law”

“When a Corporation’s Deliberate Ignorance Causes Harm: Charting a New Role for Tort Law,” *DePaul Law Review* (Clifford symposium) (forthcoming 2023)

“Ruckelshaus’s Blind Spot: The Economics of Participation” (symposium), *University of Pennsylvania Journal of Law and Public Affairs* (forthcoming 2023)

“U.S. Agency Experts in Shackles: The Quest for Information,” *Journal of Environmental Law (Oxford)* (symposium; peer-reviewed; co-authored with Tom McGarity) (forthcoming 2023)

“Unreliable Science in the Courtroom: Shifting the Courts’ Focus from Assessing the Substance of an Expert’s Analysis to the Process by which it was Produced” (conference paper for edited book)

#### Presentations and Commentary

Faculty Colloquium, University of Colorado (April 2023)

Panelist, Harvard Kennedy School Conference on Risk and Uncertainty in the United States and Brazil (April 2023)

Festschrift, Bill Araiza, “Rebuilding Expertise”, Brooklyn Law School (March 2023)

Panelist, National Academies of Sciences Workshop on Toxic Substances and Children’s Health (August 2022)

Panelist, Law and Society Annual Conference (July 2022)

Depaul Clifford Symposium on Corporate Accountability and Tort Law (June 2022)

Tilburg Law School, Netherlands Conference on Courts and Science (June 2022)

Panelist, Vanderbilt Workshop on the draft “Networks, Platforms, and. Utilities” casebook (April 2022)

Villanova Symposium on Ed Cheng’s Novel Proposal for a new Admissibility Test for Scientific Evidence (March 2022)

Panelist, Knight Institute on Government Lies and the First Amendment (Feb. 2022)

Faculty Colloquium, University of Florida (Jan. 2022)

Testimony, House Subcommittee on Antitrust, Commercial, and Administrative Law, Judiciary Committee on “The Administrative Procedure Act at 75: Ensuring the Rulemaking Process is Transparent, Accountable, and Effective,” (Dec. 1, 2021)

Festschrift on Liz Fisher and Sid Shapiro’s new book on “Administrative Competence,” Wake Forest Law School Faculty Workshop (Nov. 2021)

Colloquium, Brian Feinstein-organized University of Pennsylvania workshop series on administrative law (August 2021)

Conference on Science in the Courts organized jointly by Vanderbilt and Tilburg University in the Netherlands (June 2021)

Toxic Free Future for Our Children panelist (Dec. 2020)

Knight Institute, Columbia Law School (Oct. 2020)

Green Science Institute, UC Berkeley (June, Oct. 2020)

Faculty Workshop, UCLA Law School (February 2020)

NYU Law School Workshop on Revesz & Livermore manuscript (February 2020)

Faculty Workshop, University of Maryland School of Law (February 2020)

Faculty Workshop, University of Washington School of Law (January 2020)

Panel on Expertise and Administrative Law, University of Amsterdam Law School (October 2019)

Presentation of Select Chapters of “Incomprehensible!”, University of Amsterdam School of Law (October 2019)

Symposium on EPA, Case Law School (October 2019)

Administrative Law New Scholarship Roundtable (held at University of Wisconsin School of Law) (June 2019)

Environmental Law Seminar Series, UCLA Law School (April 2019)

Law and Economics Workshop, University of Bonn, Germany (April 2019)

University of Virginia Faculty Colloquia (Feb. 2019)

Duke Law Journal Symposium on Deregulation (Feb. 2019)

Panelist, Georgia State University Law School “book” workshop on draft of second edition of Robert Rabin’s “Adversarial Legalism” (April 2018)

University of Wisconsin invitational workshop on empirical research on administrative law (March 2018)

Radcliffe Institute for Advanced Studies, Harvard University, Conference on

“Industry Influence in Financial Regulation” (December 2017)

Conference on Science and Evidence, Columbia Law School (2017)

Faculty Workshop, Northwestern Law School (2017)

Faculty Workshop, Cornell Law School (2017)

Seminar on Interest Groups, Vanderbilt Law School (2017)

Panel on Science in Environmental Law, Ninth Circuit Judicial Conference (2017)

Panel on National Academies of Sciences’ Educational Modules, AALS (2017)

Conference on Tort Law and Innovation, Heidelberg University, Germany (2016)

Panelist, Congressional Briefing on Administrative Process Reform, Washington, DC (2016)

Participant in Bill Novak Book Manuscript Workshop, Georgia State College of Law (2016)

Public Participation in Administrative Law Conference, University of Paris Law School Panthéon-Sorbonne (2016)

Faculty Workshop, Minnesota School of Law (2016)

Faculty Workshop, University of Texas School of Law (2016)

Commenter, University of Chicago Law School Workshop on Deep Uncertainty in Agency Decision-making (2015)

Columbia Law Review Symposium dedicated to Peter Strauss’ work (2015)

Panel on Commercial Speech and Public Health, University of Maryland Journal of Business & Technology Law Symposium (2015)

Panel on Regulatory Excellence, University of Pennsylvania School of Law (2015)

Panel on Comparative Administrative Law, European Union Studies Association Annual Meeting (2015)

Conference on Empirical Studies of Administrative Law, University of Wisconsin (2015)

Texas Law Review Symposium (2015)

Panel on Evidence, AALS Annual Meeting (2015)

Faculty Workshop, Duke Law School (2014)

Panel on Science and Democracy, Yale Law School Conference on Public Health and the First Amendment (2014)

Conference on Expert Public Administration, Oxford University (2014)

Environmental Law Faculty Workshop, Oxford University (2014)

Conference on Comparative Administrative Law, George Washington University School of Law (2014)

Panelist, House Subcommittee on Environment and the Economy Hearing on the Chemical Safety Improvement Act (2013)

Plenary Speaker, Earth Justice Conference and Retreat (2013)

Commentator, University of Washington, Young Environmental Scholars Conference (2013)

Presenter, Report on Science in the Regulatory Process, ACUS Plenary (2013)

Presenter, European Union Institute Conference on Comparative Institutional Analysis (2013)

Presenter, Distinguished Environmental Lecturer, Florida State University (2013)

Presenter, U.S. EPA Conference on Multiple Models (2013)

Presenter, University of Wisconsin Law Review symposium (2012)

Presenter, National Academies of Science Conference on Science and Regulatory Process (2012)

Panelist, University of Pennsylvania Law School Conference on Beyond Compliance Costs (2012)

Presenter, UCLA Law School Workshop on Scientific Evidence (2012)

Presenter, European Union Institute Conference on Comparative Institutional Analysis (2012)

Panelist, Wake Forest Law Review Symposium (2012)

Panelist, Conference on Silent Spring, University of Utah School of Law (2012)

Presenter, Faculty Workshop, Mercer Law School (2012)

Panelist, 4S Annual Meeting (Society for Social Studies of Science) (2011)

Panelist, Lawrence Livermore National Laboratory Conference (2011)

Presenter, Science Café, Cleveland, OH (2011)

Presenter, Environmental Law Institute-Vanderbilt Law School Annual Awards Event (2011)

Presenter, University of California-Berkeley Environmental Law Workshop Series (2011)

Panelist, Wake Forest University School of Law Conference on Environmental Sustainability (2011)

Commenter, University of Texas School of Law Conference on Federalism (2011)

Panelist, Society for Risk Analysis Annual Meeting (2010) (invited)

Presenter, Regulatory Workshop Series, University of Pennsylvania School of Law (2010)

Panelist, Yale Alumni Weekend on Science and Law, Yale Law School (2010)

Invited Written Testimony for the Senate Hearing of the Committee on the Judiciary's Subcommittee on Administrative Oversight and the Courts: "Protecting the Public Interest: Understanding the Threat of Agency Capture" (2010)

Commenter, University of Pennsylvania Workshop on Regulatory Science, Washington, DC (2010)

Panelist, Law and Society Annual Meeting, Chicago, IL (2010)

Speaker, Case Policy Forum, Cleveland, OH (2010)

Presenter, Annual Conference of Empirical Legal Studies, Los Angeles, CA (2009)

Speaker, American Association of Medical Writers' Annual Meeting, Dallas, TX (2009)

Speaker, Environmental Law Institute's Conference on "An Agenda for the New EPA" (2009)

Faculty Colloquium, Hofstra School of Law (2009)

Roundtable Participant, Northwestern University Law School on Environmental, Health, and Safety Risks of Emerging Technologies (2009)

Roundtable Participant, Yale Law School discussion of Peter Gerhart's manuscript "Torts and Social Cohesion" (2009)

Presenter, Yale Alumni Association, Cleveland (2009)

Panelist, Book Conference on Civil Justice Reform, Albany Law School (2008)

Capstone Speaker, Case School of Public Health (2008)

Panelist, Philosophy of Science/History of Science Annual Meeting (2008)

Panelist, Bending Science mini-symposium at Case Law School (2008)

Panelist, National Academies of Sciences Committee on Law and Science meeting (2008)

Commenter, University of Texas Law and Philosophy Colloquium (2008)

Presenter, Virginia Polytechnic Institute and State University Conference (2008)

Presenter, Resources for the Future Conference (2008)

Presenter, Albany Law School Conference (2008)

Faculty Colloquium, Wake Forest Law School (2008)

Colloquium on Intellectual Property, New York University Law School (2008)

Faculty Colloquium, University of Akron School of Law (2008)

Presenter, Annual American Association for the Advancement of Science Forum on Science and Technology Policy (2007)

Faculty Colloquium, University of Wisconsin School of Law (2007)

Participant, Albany Law School Conference on “Bending Science” (2006)

Faculty Colloquium, University of Texas School of Law (2006)

Presenter, Duke Environmental Law and Policy Forum Symposium (2006)

Presenter, Duke University’s Integrated Toxicology and Environmental Health Program Seminar Series (2006)

Presenter, Trans-Atlantic Uncertainty Colloquium (2006)

Presenter, Law and Society Annual Meeting (2006)

Presenter, Center for Disease Control (CDC) Annual Meeting (2006)

Presenter, Congressional Research Service Symposium (2006)

Presenter, ABA Administrative Law Section Spring Meeting (2006)

Presenter, University of Minnesota Faculty Workshop (2006)

Presenter, Indiana-Bloomington School of Law Conference (2006)

Presenter, Fordham Urban Law Review Symposium (2006)

Presenter, Chapman Law Review Symposium (2006)

Presenter, University of Florida Law School Environmental & Land Use Colloquium (2005)

Presenter, Association for Public Policy Analysis and Management (APPAM) Annual Meeting (2004)

Presenter, University of Wisconsin Law School Conference (2004)

Presenter, University of Maryland Law School Conference (2004)

Faculty Colloquium, Arizona State University Law School (2004)

Presenter, University of Minnesota Conference (2004)

Presenter, UCLA Law School Conference (2004)

Presenter, ABA Midyear Meeting, Administrative Law and Regulatory Practice Section (2004)

Presenter, Brooklyn Law School Conference (2003)

Presenter, Albany Law School Conference (2003)

Faculty Colloquium, University of Arizona Law School (2003)

Presenter, U.S. EPA Conference (2003)

Presenter, SKAPP Conference (2003)

Chair and Commentator of Panel, American Association for the Advancement of Science Annual Meeting (2003)

Panelist, National Public Radio's "Science Friday" (part of "Talk of the Nation") (2000 and 2003)

Panelist, National Academy of Science Workshop (2003)

Presenter, Law and Contemporary Problems Symposium (2002)

Participant, Duke Law School Workshop (2002)

Presenter, Environmental Law Section of the Houston Bar Association (2002)

Commentator, Texas Law Review Symposium (2002)

Participant, Lowell Center for Sustainability Development Conference (2001)

Commentator, Kennedy School Policy Workshop (2001)

Presenter, U.S. EPA Conference (2001)

Commentator, Duke University School of Law Conference (2000)

Chair and Moderator, Panel at the ABA Administrative Law Section Fall Meeting (2000)

Written Testimony, Congressional Hearing of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the House Committee on Government Reform (2000).

Commentator, Arizona State University Conference (2000)

Faculty Colloquium, Notre Dame Law School (2000)

Presenter, William & Mary Environmental Law Review Symposium (2000)

Presenter, Chicago-Kent Law School Environmental and Energy Law Speaker Series (2000)

Presenter, Harvard Center for Risk Analysis Conference (1999)

Presenter, University of Illinois Law Review Symposium (1999)

Faculty Colloquium, Vanderbilt Law School (1999)

Presenter, Panel at Annual meeting of the International Biometrics Association, Eastern North American Region (1999)

Presenter, University of Chicago Department of Economics Workshop (1999)

Presenter, Seton Hall Law Review Symposium (1999)

Presenter, AALS Annual Meeting (1999)

Presenter, Illinois Institute of Technology University Workshop (1998)

Presenter, University of Kentucky Law Journal of Natural Resources & Environmental Law Symposium (1998)

Participant, Political Economy Research Center Ninth Annual Forum (1998)

Presenter, Stanford Law School Environmental and Natural Resource Workshop (1998)

Faculty Colloquium, Washington University (1998)

Presenter, Society for Risk Analysis Annual Meeting (1996, 1997, 1998, 2001, 2002, 2003, 2004, 2006)

Environmental Speaker Series, Georgetown University Law Center (1997)

Faculty Colloquium, Hofstra Law School (1997)

Presenter, Risk Assessment, Risk Assessment & Policy Association Annual Meeting (1997)

Panelist, Oberlin Conference (1996)

Speaker, Cleveland Bar Continuing Legal Education (1992, 1993, 1994)

Speaker, Case Western Reserve University (1993, 1994, 1996)

Academic and Professional Service

Visiting Faculty member at Bar-Ilan Law School in Tel Aviv, Israel

ABA Administrative Law Annual Scholarship Committee (2021–present)

Steering Committee, Administrative Law New Scholarship Roundtable (2021-present)

Contributing Author for Administrative Law Team, Jotwell (2021-present)

Steering Committee for the U. of California-San Francisco’s Steering Guide for creating a Navigation Guide Evidence-to-Decision Framework in Environmental Health (Tracy Woodruff PI) (2021-present)

Scientist-Legal Team, the Detox Project’s “Toxic Free Future for our Children,” (2020-present)

Convener, White Center annual Conference on Regulatory Science (March 2019) (held at UT)

Consultant, Administrative Conference of the U.S., for a Report on “Regulatory Science” (2011-2013)

Member, Bipartisan Policy Center’s Science for Policy Project (2009)

Member, National Research Council of the National Academies of Sciences Committee on Reducing Stormwater Discharge Contributions to Water Pollution (2007-09).

Member, National Research Council of the National Academies of Sciences Committee on the Selection and Use of Models in the Regulatory Decision Process, Division of Earth and Life Sciences (2004-06).

Council, Administrative and Regulatory Law Section, American Bar Association (2004-07); Nominating Committee, ABA Section of Administrative Law and Regulatory Practice (2000-2001); Co-chair, Environmental and Natural Resources Regulation Committee of the ABA Section of Administrative Law and Regulatory Practice (1999-2003).

Council, Society for Risk Analysis (2002-05); and Executive Council, Risk Science and Law Specialty Group (2001-2003); formerly Chair (1999-2001) and Executive Council (1998-1999) of Specialty Group

Academic Board, Center for Science, Policy, and Outcomes (2001)

Member Scholar, Academic Board, Center for Progressive Reform; Issue Group Leader for “Clean Science” (2002-present)

Editorial Board, Risk Decision and Policy (a Cambridge University Press journal - 2001).

Consultant, Texas Natural Resources Conservation Commission, Study of Authorities to Control Air Toxins

Member, National Conference of Lawyers and Scientists (1997-2002) (consists of seven lawyers appointed by ABA and seven scientists appointed by AAAS)

Member, Political & Legal Issues Working Group, U.S. Representative Dennis Kucinich’s Sustainable Communities Symposium 2000 Project (1999)

Member, Board of Directors, The Clean Air Conservancy (formerly INHALE) (1992-1999) (national nonprofit involved in pollution trading)

Working Group Member, National Environmental Policy Institute (NEPI) "Enhancing the Quality of Science in the Regulatory Process" (EQSRP) project (1998)

Working Group Member, AAAS, ABA, and Federal Judicial Center Task Force on "Judicially Compelled Disclosure of Non-party Research" (1997).

Member, ABA Special Committee on Legal Education (1996-1997) (Committee was sunset in August 1997)

Member, Northeast Ohio Air Pollution Control Association Advisory Task Force (1993)

#### Peer Reviewer

American Journal of Public Health  
Cambridge University Press  
Environmental Health Perspectives  
Environmental Management: An International Journal  
Harvard University Press  
Health Affairs  
Human and Ecological Risk Assessment: An International Journal  
Johns Hopkins Press  
Journal of the American Medical Association (JAMA)  
Journal of Empirical Legal Studies  
Journal of Environmental Law  
Journal of Public Health Policy  
Jurimetrics Journal

Land Use and Environmental Review  
Lexis Publishing  
National Academies of Science  
National Science Foundation  
Nature Communications  
NYU Press  
Office of Management and Budget, 2002 Cost-Benefit Report to Congress  
Oxford University Press  
Polity Books  
Princeton Press  
Public Affairs Quarterly  
Science  
Social Studies of Science  
Toxicology and Environmental Chemistry  
University of Chicago Press

### University/Law School Service

#### *Law School Committees:*

Admissions, CWRU (1993-94; 1995-96; 1998-99)  
Appointments, CWRU and UT (1992-93; 1994-95; 1996-97; 2001-02;  
2004-05; 2008-09; 2022-23)  
Budget, UT (2003-2014, 2015-16, 2016-17, 2019-20)  
Curriculum, UT (2002-03; 2007; 2014-15; 2017-18; 2018-19 (chair))  
Dean Search, CWRU (1995-96)  
Faculty Colloquia, CWRU (1999-2000)  
Law School Faculty Collaborations, CWRU (1998-99)  
Steering Committee for Self-Study, CWRU (1994)  
Teaching (2020-21)  
Tenure, co-chair (2012-13); chair (2021-22)

#### *Other academic service*

Faculty Advisor to Environmental Law Society, CWRU (1992-2000;  
2009-10)  
Faculty Advisor for Judicial Clerkships, UT (2004-05)  
Faculty Advisor, Helen Hargrave Society, UT (2004-05)  
Faculty Advisory, Journal of Law and Technology at Texas  
(2019-present)  
Institutional Review Board Director at UT Law School (2000-  
06)

#### *University Committees:*

CWRU Ad hoc University Steering Committee on Environment (1992-97)  
Bridging Disciplines in Environmental Studies, UT (2001-04)  
Environmental Science Institute, Cluster Hire Committee, UT (2002-04)  
Hamilton Award Committee, UT (2022)  
Honorary Degree, CWRU (1993-94)  
Institutional Review Board (IRB), UT (2001-2006)  
University Library, CWRU (1994-95)

Women's Faculty Association, Steering Committee, CWRU (1996-99)  
(Secretary 1997-99)

Teaching Commitments

Torts (1992, 1993, 1994, 1995, 1996, 1998, 1999, 2001, 2002, 2004, 2006, 2007 (spring and fall), 2008, 2010, 2011, 2013, 2015 (spring and fall), 2016, 2018, 2019, 2020, 2021, 2022)

Environmental Law (1993, 1994, 1995, 1997, 1998, 1999 (spring and fall), 2004, 2007)

Water/Wastewater Clinic (2005 (spring and fall), 2006 (spring)) (co-taught with Lynn Blais and Melinda Taylor)

Seminar on Citizen Participation and Environmental Policy (spring and fall 2005) (co-taught with Lynn Blais)

Seminar on the Regulation of Toxic Products (2008) (spring and fall), 2015)

Mini-Seminar on Corporate Accountability for Environmental and Public Health Harms (2021, Bar-Ilan, Israel: 2022)

Seminar: Solving Toxic Problems: Putting Theory into Practice (2011, 2013, 2015)

Science and Law Seminar (1993, 1996, 2002, 2007, 2011, 2012, 2014, 2015, 2016, 2017, 2018) (co-taught with John Robertson in 2007)

Foundations of the Regulatory State (2001)

Environmental Law Practicum (1999)

Environmental Law: Toxics (2002 (spring and fall), 2004, 2007, 2010, 2011, 2013, 2014, 2019, 2021)

Comparative Analysis of Complex Problem Solving: A Case Study on the Environment (1997, 1998, 2000 (spring and fall)) (through Weatherhead Executive Doctorate in Management Program)

Selected Problems in Environmental Law (1994-95; 1995-96) (co-taught)

University Interdisciplinary Courses on Lead (1992), Environmental Priority Setting (1994), Great Lakes (1995), Special Research on Urban Sprawl (1996), and the Automobile and Environment (1997) (lecturer/faculty member in interdisciplinary courses co-taught by over one dozen faculty)