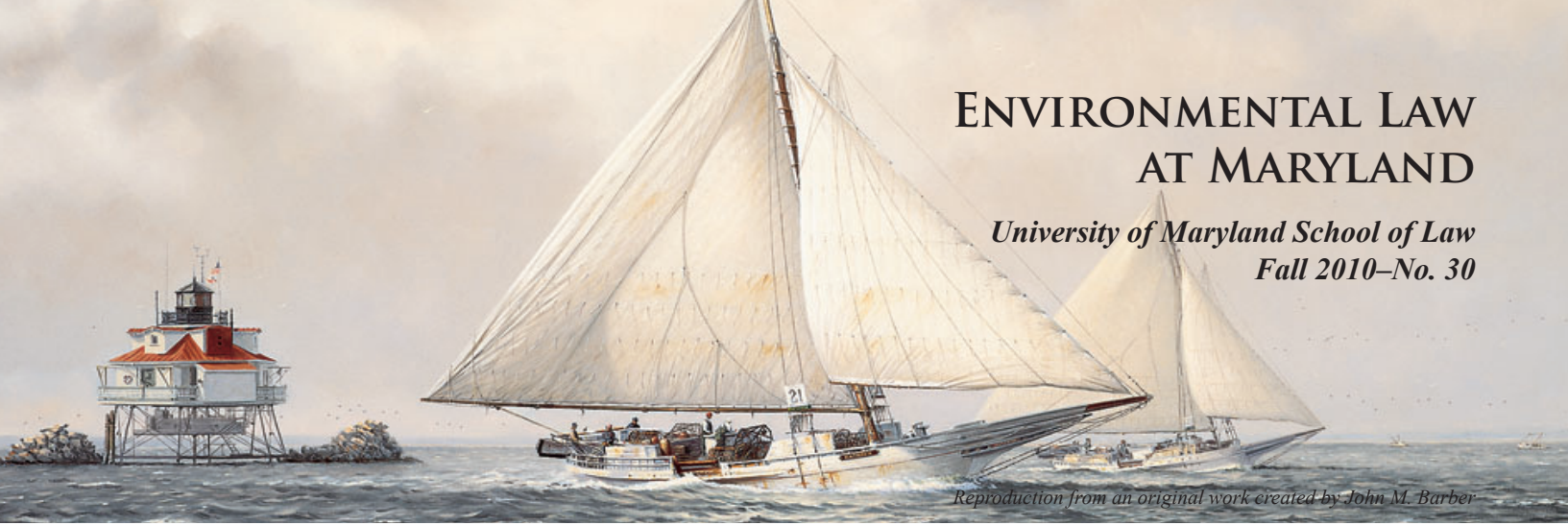


ENVIRONMENTAL LAW AT MARYLAND

University of Maryland School of Law
Fall 2010—No. 30



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CLINIC WINS KEY RULING IN CHESAPEAKE BAY POLLUTION LAWSUIT AGAINST POULTRY INDUSTRY

By William Piermattei

On July 20, 2010, a federal judge gave the Environmental Law Clinic an important victory in its suit charging Perdue Farms Incorporated (“Perdue”) with improper disposal of chicken waste. Judge William M. Nickerson denied Perdue’s claim that it could not be held legally responsible for the waste and refused to dismiss the case. The Clinic’s theory of liability against Perdue focuses on Perdue’s control of concentrated animal feeding operations (CAFO) or “integrator” liability. This is the first case of integrator liability under the Clean Water Act brought in federal court against the poultry industry.

In March Maryland’s Environmental Law Clinic, on behalf of the Assateague Coastkeeper, the Assateague Coastal Trust, and the Waterkeeper Alliance, filed a citizen suit against Perdue and Hudson Farms, one of Perdue’s chicken factory farms. The Clinic suit alleges that under the Clean Water Act, both the chicken factory farm and Perdue are liable for discharges of various pollutants into Chesapeake Bay tributaries, including fecal coliform, *E. coli*, nitrogen, phosphorus, ammonia, and arsenic from chicken feces and waste. The Clinic contends that, pursuant to federal regulations, Perdue is liable for this pollution as an “integrator,” or party “which (is) responsible for or control(s) the performance of work” at Hudson Farms. The lawsuit sparked an effort in the Maryland General Assembly to cut the university’s budget, which failed after a firestorm of opposition from the nation’s legal and academic communities (see cover story in Spring 2010 issue of *Environmental Law at Maryland*).

The defendants moved to dismiss the case on multiple



*Exposed chicken manure near drainage ditch at Hudson Farms in Berlin, Maryland. Run-off from chicken manure can contain numerous pollutants including fecal coliform, *E. coli*, nitrogen, phosphorus, ammonia, and arsenic.*

grounds, including that Perdue did not own the farm from which the pollution emanated, nor is it on the CAFO Clean Water Act discharge permit. The Court agreed with the Clinic and ruled that Perdue may be held liable as an integrator for the pollution emanating from Hudson Farms. The Court decided the key issue of whether Perdue could be liable assuming it had sufficient control over Hudson Farms handling of chickens and chicken waste. The court noted that:

“According to Plaintiffs, Perdue owns the chickens and provides all of the feed, fuel, litter, medications,

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Lawsuit

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vaccinations and other supplies necessary for the Hudson Farm CAFO to grow the chickens. Plaintiffs also allege that Perdue dictates the aspects of care for the chickens such as the type of buildings, equipment, and other facilities used in the operation, and makes periodic site visits to ensure compliance with its dictates.”

The Court found that these allegations were “sufficient to state a plausible claim against Perdue.” As a result, the Clinic’s citizen suit will move forward against both the chicken factory farm and Perdue. The Court rejected Perdue’s argument that it is not liable as it is not required to be on the Hudson Farms’ discharge permit “because having a permit is not the basis of an integrator’s potential liability...an integrator’s liability is determined on the basis of its level of control over their contractors’ chicken operations.” The Court noted that this interpretation of integrator liability is consistent with previous EPA interpretations of integrator liability under the Clean Water Act.

The Court’s recognition of integrator liability could have significant impact on CAFO’s throughout the country. Jane F. Barrett, the Environmental Law Clinic Director, believes that “the court’s opinion should serve notice to companies that they cannot dictate the manner of farm operation, own the animals and supplies, walk away with the profits, but leave a mess behind for others to handle. If they control the animal and what goes into the animal, they should be responsible for what comes out the other end.” The Clinic’s position has garnered further support from the environmental and farming communities. On July 29, 2010, Environment Maryland presented to Maryland Governor Martin

O’Malley a petition signed by 55 members of the Maryland farming community asking the Governor to make large food processors (like Perdue) liable for pollutant discharges by their contract farmers.

Extending liability beyond the individual farmer to corporations controlling CAFOs is an important step to reigning in these large animal (and waste) producing operations for two inter-related reasons. First, integrators such as Perdue control numerous factory farms. If they can be held liable for pollution from those factory farms, they will have a financial incentive to control numerous farms’ pollution. Second, Perdue has the financial means to eliminate or reduce pollution from their factory farms. Perdue is the third largest poultry company in the United States with annual sales in excess of \$4.6 billion. The Clinic’s theory of liability against Perdue could also apply to other large poultry, beef, and pork integrators across the country. Finding large integrators liable and requiring them to manage waste from their animals would also level the competitive field with smaller, independent farmers who properly manage waste from their farms.

The Clinic will now have the opportunity to show that the manner in which Perdue and the factory farm produce chickens and handle the attendant waste harms Chesapeake Bay water quality. This citizens’ suit provides a mechanism to change CAFO practices which will protect the water quality, productivity, enjoyment, and use of the Chesapeake Bay – a vital resource to the state of Maryland and its citizens.



This newsletter is published by the University of Maryland School of Law Environmental Law Program. Contributors to this newsletter include faculty, alumni, students, and friends.

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SIGNS OF CHANGE IN CHINESE ENVIRONMENTAL POLICY

By Robert Percival

Since my first trip to China as a tourist in 1981, I have now made twenty visits to that intriguing country. Each time one notices changes often driven by China's rapid economic development. During my latest trip in May and June 2010 some of the most dramatic changes I observed were in the attitudes of Chinese scholars toward the use of law to combat pollution and climate change.

I visited China in order to participate in two conferences. The first conference, sponsored by Renmin University Law School and the Beijing office of the Natural Resources Defense Council (NRDC), focused on the new Chinese tort law. Some provisions of the law are designed to make it easier for plaintiffs to recover compensation for harm caused by pollution. The conference featured prominent Chinese civil law scholars who indicated that environmental torts are now moving into the mainstream. I spoke on two panels at the conference – first on the history of environmental torts in the United States and new developments in tort law around the world and then on the use of public interest litigation to address environmental problems. The conference brought together a highly knowledgeable group of legal scholars, lawyers, judges, and environmentalists and the discussion was quite lively at times. There seemed to be some disagreement among the group on how to interpret some of the provisions of the new Chinese tort law, particularly with respect to joint and several liability and burden-shifting to defendants to disprove causation. While some participants questioned whether the law is significantly different from previous laws on the books, its drafters clearly sought to make it easier to use law to recover compensation for the harm caused by pollution.

There was particular interest at the conference on U.S. climate change litigation, including the Comer case where Hurricane Katrina victims seek to recover damages from oil companies for contributing to climate change, and the Kivalina litigation where residents of an Alaskan village seek compensation to relocate due to rising sea levels. I cautioned the Chinese audience not to expect success on the merits in these cases due to the difficulty of proving

causation, while noting the general willingness of the U.S. judiciary to afford everyone their day in court.

The second conference -- the International Forum on Legislation of Climate Change and Low Carbon Economy featured a who's who of Chinese environmental law scholars, as well as government officials, students, and some businessmen. My presentation at this conference focused



Professor Percival (bottom row, third from right) at the International Forum on Legislation of Climate Change and Low Carbon Economy in Beijing, China.

on what the U.S. is doing to respond to global warming and climate change. I was very impressed with how the tone in China on climate change issues has changed dramatically in the last year. A year ago when I did my lecture tour of China for the State Department I frequently encountered skepticism about whether climate change is real and strong opposition to China taking measures to control the country's greenhouse gas emissions. Now there appeared to be broad acceptance not only of the reality of climate change, but also of the need for legislation in China to combat

it. What explains the difference in attitude in the course of a year? While it is possible that it is simply a skewed sample, I suspect that two other factors are at work. First, many of the Chinese scholars seemed stung by the criticism the Chinese government received for the role it played at the Copenhagen climate conference last December. Second, there appears to be a growing perception that China can profit from the development of green technology, particularly with respect to solar energy and electric vehicles. Photos of my trip to Beijing, including the Tort Law Conference and the Climate Change Forum, can be viewed online at: <http://gallery.me.com/rperci/100692>.

I also visited Shanghai during my latest trip to China in order to attend the Shanghai World Expo, a modern version of the world's fairs I attended as a child in Seattle in 1962 (for which the Space Needle was constructed) and New York in 1964 (which was held in Flushing Meadows and left the world the Unisphere). The site of the Shanghai Expo is enormous, extending over both banks of the Huangpu River south of the Bund and the Pudong areas of Shanghai. Special "Expo taxis" that feature air condition-

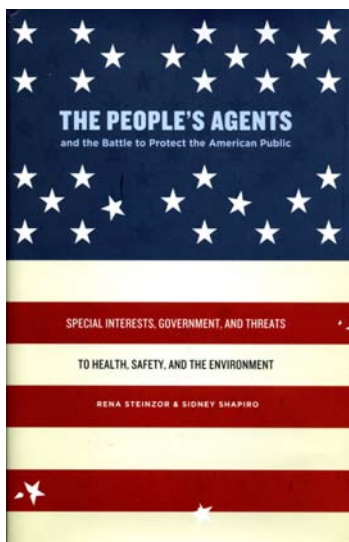
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PROFESSOR STEINZOR'S NEW BOOK EXPLORES REGULATORY DYSFUNCTION

Reasonable people disagree about the reach of the federal government, but there is near universal consensus that it should protect us from dangers such as bacteria-infested food, harmful drugs, toxic pollution, crumbling bridges, and unsafe toys. And yet, the agencies that shoulder these responsibilities are in shambles; if they continue to decline, lives will be lost and natural resources will be squandered. In this timely book, Professor Rena Steinzor and co-author Sidney Shapiro take a hard look at the tangled web of problems that have led to this dire state of affairs. The authors find these regulatory failures actually stem from a host of overlooked causes. Steinzor and Shapiro focus on four of them:

(1) funding shortfalls; (2) outdated authorizing statutes; (3) political interference with science-based regulatory decisions; which lead to (4) unfair criticism from all sides and a demoralized civil service.

As the authors correctly point out, the five “protector agencies” (Environmental Protection Agency (EPA), Food and Drug Administration (FDA), the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), and the National Highway Traffic Safety Administration (NHTSA)) suffer from “battered agency syndrome,” a term originally coined by former EPA administrator William Ruckelshaus. The syndrome begins with a funding gap – either the agencies were never adequately funded to fulfill their statutorily-mandated missions or funding has not kept pace with the ever-increasing complexity of those missions. Congress has made matters worse (and further complicated agency tasks) by failing to



update, oversee and reauthorize statutes that govern the agencies' mission due to the legislative gauntlet any statutory change must run. In short, Congress has told the agencies what to do (protect public health and safety), but has not given them the money or statutory tools to do an effective job.

Added to the unrealistic expectations caused by funding shortfalls and antiquated statutes, political interference has warped regulatory decision making and the science behind it. Whether burying agency decisions in time consuming and ultimately inaccurate cost-benefit analysis, micro-managing expert scientists and staff, or simply ignoring those experts' good work, the

White House (primarily through the Office of Management and Budget (OMB)) has further undermined the agencies' ability to do their statutorily mandated duty. Lax enforcement of existing laws and regulations combined with “paralysis by analysis” blocking new regulations and discrediting sound science has led to a demoralized agency workforce that is ill-equipped and mismanaged by an ever-expanding cadre of political appointee middle managers.

While this analysis is troubling, the authors also propose a host of reforms, including a new model for measuring the success of the agencies, ending OMB oversight of regulatory decisions, and revitalizing civil service by reducing political appointee meddling. The People's Agents and the Battle to Protect the American Public is an urgent and compelling appeal to renew America's best traditions of public service.

Signs of Change

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ing and working seatbelts are the only ones allowed to take passengers to the Expo grounds.

The Expo's theme “Better City, Better Life” suggests that it is to highlight a more optimistic future for the world. But if the future is like the Expo was the day I was there - extremely crowded (more than 300,000 people) and very hot - then the future is not so appealing. The lines for the major country pavilions were enormous – so long that the Shanghai newspapers reported that some healthy people are renting wheelchairs in order to jump ahead of the lines. A photo gallery of my visit to the Expo is available at: <http://gallery.me.com/rperci/100684>.

Environmental law is not the only area where China is making gradual steps toward promoting the rule of law. The President of China's Supreme People's Court recently urged local courts to resist political influence in deciding cases, though there is considerable skepticism concerning how much difference this will make. Chinese criminal procedure law also is undergoing change with the Supreme People's Court, the Procurate and the Ministry of Public Security issuing rules to ban the use of confessions extracted by torture in capital cases. The rate of change in China's economy may continue to outpace the rate of change in China's legal system for some time, but positive developments are occurring.

FUTURE OF CHEMICAL REGULATION REFORM DEBATED AT UMDLAW

By William Piermattei

The future of chemical regulation is a subject of current debate both on Capitol Hill and at the University of Maryland School of Law. The debate focus is reforming and modernizing the 1976 Toxic Substance and Control Act (TSCA) (15 U.S.C. §§ 2601 et seq.). The University of Maryland School of Law recently hosted two events discussing and debating the shape and substance of future chemical regulation. In October 2009, Maryland's Environmental Law Program and the Center for Progressive Reform co-hosted the Ward Kershaw Symposium on chemical regulation reform. In June 2010, the law school hosted the American Bar Association's Committee on Environmental Law's 38th National Spring Conference on the Environment, entitled *Chemicals Regulation: REACHing for TSCA Reform*.

TSCA's goals are to: (1) encourage industry to develop "adequate data" regarding chemical substances' effects on health and the environment; (2) regulate chemicals "which present an unreasonable risk of injury to health or the environment;" and (3) regulate chemicals "in such a manner as not to impede unduly or create unnecessary economic barriers to technological innovation." 15 U.S.C. §2601. However, TSCA has failed to encourage industry to develop adequate health or environmental toxicity data – in fact it has discouraged the development of this crucial data, making it more difficult to regulate chemicals effectively.

Under TSCA's current regulatory structure, a chemical manufacturer must provide EPA with information concerning health and environmental risks in pre-manufacturing

notices, but only if manufacturers possess such information. TSCA does not require manufacturers to generate toxicological data. This regulatory structure creates a disincentive to testing – if no tests are performed, then EPA has no basis to create restrictive regulations for a chemical. As a result, only 15% of pre-manufacturing notices contain toxicity data. According to a recent EPA Inspector General's report, EPA's primary toxicological database, Integrated Risk Information System (IRIS), contains toxicological information for only 553 of the more than 80,000 chemicals in the TSCA inventory. Only 67 of these chemicals have complete toxicological profiles.

The failure to generate data is compounded by the fact that EPA is only authorized to order chemical toxicity testing if the chemical "may present an unreasonable risk" to human health or the environment pursuant to TSCA §4(a) (15 U.S.C. §2603(a)). This statutory scheme creates a classic Catch-22: since little or no toxicity data is provided to the EPA, EPA has little or no basis to require testing. Even when EPA possesses toxicological data for a chemical, TSCA places a high regulatory burden (the chemical must pose an "unreasonable risk" of harm) and requires an onerous cost-benefit analyses. Few chemicals are regulated under TSCA because of the high regulatory hurdles combined with the lack of toxicological data. Due to these fundamental flaws, after 34 years TSCA has fallen woefully short of its goals and is widely criticized as ineffective and obsolete by federal and state government officials, envi-

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UMDLAW HOSTS ABA NATIONAL SPRING CONFERENCE ON THE ENVIRONMENT

On June 11, 2010 the University of Maryland School of Law hosted the American Bar Association Standing Committee on Environmental Law's 38th National Spring Conference on the Environment, entitled *Chemicals Regulation: REACHing for TSCA Reform*. Keynote speaker Robert M. Sussman, Senior Policy Counsel to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, and a range of prominent federal, state and private-sector experts gathered to discuss the emerging reform proposals for the 33 year-old Toxic Substances Control Act (TSCA).

For full story, see page 6.



*Keynote speaker Robert M. Sussman, EPA Senior Policy Counsel, addressing the ABA's 38th National Spring Conference on the Environment, *Chemicals Regulation: REACHing for TSCA Reform*.*

UNIVERSITY OF MARYLAND HOSTS ABA NATIONAL SPRING CONFERENCE ON THE ENVIRONMENT

By Esther Houseman and Peter Hogge

On June 11, 2010 the University of Maryland School of Law hosted the American Bar Association Standing Committee on Environmental Law's 38th National Spring Conference on the Environment, entitled Chemicals Regulation: REACHing for TSCA Reform. Keynote speaker Robert M. Sussman, Senior Policy Counsel to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, and a range of prominent federal, state and private-sector experts gathered to discuss the emerging reform proposals for the 33 year-old Toxic Substances Control Act (TSCA).

A clear consensus emerged from the series of panel discussions: TSCA is outmoded and does not allow the EPA to effectively regulate new and existing chemicals. TSCA was enacted in 1976 as the primary means to regulate commercial chemicals in the United States. Rapid technological advances have exceeded the pace of EPA chemical regulations under TSCA, rendering the law inadequate. Professor Rena Steinzor described this era as one of broad regulatory dysfunction and warned that dysfunction in chemical regulation was already generating a "chemical of the month" approach to regulation as states attempt to patch the holes in TSCA.

Wendy Cleland-Hamnett, Director of the EPA Office of Pollution Prevention and Toxics, acknowledged the current inadequacy in managing the risks of chemicals and EPA's top priority of strengthening its chemical regulation programs. While the EPA and other stakeholders strongly support TSCA reform, they do not agree on the shape of this reform. The European Union's Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation, which entered into force in June 2007 and should be fully effective by 2018, provides one reform model. According to Dr. Veerle Heyvaert of the London School of Economics and Political Science, REACH embraces the precautionary principle more so than U.S. regulatory measures and places significant chemical assessment responsibility on industry rather than regulators.

The greatest point of contention among stakeholders at the conference was the extent to which TSCA reform should strengthen adherence to the precautionary principle and promote industry transparency. Dr. Richard A. Deni-

son, Senior Scientist at the Environmental Defense Fund, strongly supported broadening regulation to cover individual chemicals and mixtures, thereby increasing the amount of required ecological risk data and equipping the EPA with greater authority to assess chemicals. Industry representatives Michael P. Walls, Vice President of Regulatory and Chemical Affairs, American Chemistry Council, and Ernie Rosenberg, President and CEO of the Soap and Detergent Association, were less keen on increasing chemical precaution. They stated that the standard currently proposed in the House and Senate chemical reform bills (a reasonable certainty of no harm) is unclear and incredibly difficult to meet. Furthermore, they warned that reforms such as a proposed decrease in the protection of confidential business information were "innovation killers" that would stifle research and development.

A discussion on green chemistry reiterated the importance of innovation in any TSCA reform or chemical regulatory policy. Dr. Kira J.M. Matus, Senior Policy Analyst at Yale University's Center for Green Chemistry and Green Engineering, described green chemistry as designing chemicals that inherently produce less pollution and are better for the environment. Both Dr. Matus and Dr. Joel Tickner, a Principal Investigator at the Lowell Center for Sustainable Production, promoted green chemistry innovation as integral to TSCA reform because of its potential to create a preventative and cost-effective reduction in the environmental risks of chemicals.

While stakeholders may not agree on precisely how to reform TSCA, the pressing need to reform this outdated law is fueling a lively debate that may bring chemical regulation reform to the U.S. in the near future. Robert M. Sussman assured conference attendees that a high degree of intelligence is going into TSCA dialog and reform as bills are processed through both houses of Congress. Mr. Sussman predicts that even more stakeholders will soon join the debate as manufacturers at the end of the production chain learn more about the pending legislation and its broad implications for industry, the public and the environment.

ON THE CLINIC DOCKET

CLINIC STUDENTS TO ARGUE COAL ASH CASE BEFORE MARYLAND COURT OF SPECIAL APPEALS

In November 2010, student attorneys in the Environmental Law Clinic will argue before the Maryland Court of Special Appeals on behalf of their client, the Potomac Riverkeeper, Inc., in a case involving Mirant Corporation's Faulkner coal ash landfill in Charles County, Maryland. Coal ash is the toxic by-product of burning coal in power plants. It usually contains pollutants such as arsenic, aluminum, cadmium, selenium and other heavy metals that can leach out of coal ash landfills into surrounding groundwater and surface water, harming local wildlife and contaminating water.

Back in April 2008, Potomac Riverkeeper, along with the Environmental Integrity Project and individual citizens, filed a notice of intent to sue Mirant under the Clean Water Act for alleged discharges from the Faulkner landfill. In

response to their notice letter, the Maryland Department of the Environment (MDE) brought suit against Mirant in the Circuit Court for Charles County. The Clinic moved to intervene in the suit on behalf of citizen groups and individuals.

Circuit Court Judge Amy Bragunier denied the Clinic's motion to intervene. In its appeal of her decision the Clinic students argue that the Circuit Court incorrectly interpreted Maryland intervention law and that the citizen groups the clinic represents have the right to intervene as parties to the MDE lawsuit. Student attorneys in the Clinic prepared the appellate briefs during the 2009-2010 academic year. The 2010-2011 student attorneys will get the chance to argue the appeal.

CLINIC STUDENTS TO ARGUE ENVIRONMENTAL JUSTICE APPEAL IN MARCH 2011

Students in the Environmental Law Clinic will be arguing an environmental justice case before the Maryland Court of Special Appeals in March 2011. The Clinic appealed a zoning decision on behalf of its clients, community residents in the historic African American neighborhoods of Cedar Heights and Fairmont Heights in Prince George's County, Maryland. The Clinic's student attorneys will submit appellant briefs and then argue before the Court of Special Appeals in March 2011.

In January 2010, Judge Thomas P. Smith of the Circuit Court for Prince George's County denied the Clinic's appeal of the Prince George's County District Council's decision to allow a concrete batching plant across the street from a residential neighborhood. Before the District Council and then the Circuit Court, the Clinic argued that the approval of the "special exception" to build the concrete batching plant was inappropriate because requisite health and safety studies requested by the Prince George's County Health Department were not performed.

In addition, these historic communities must already live with the legacy of numerous industrial facilities in the surrounding area including an aggregate rock crushing plant, a clay mining operation, an asphalt plant, and a recycling

transfer station. The Clinic argues that the addition of another industrial facility, with the attendant noise, traffic and air pollution, would be unhealthy for local residents and violates county ordinances and state law. They also maintain that the concrete plant owners have

failed to establish that the plant, in conjunction with the other industrial facilities, would be safe for area residents. The appeal presents a basic environmental justice issue on behalf of residents who may not otherwise have a chance to assert their rights: How much industrial burden is a traditionally residential community expected to bear?



View from a community center: industrial pollution already present in the Cedar Heights and Fairmont Heights communities. Developers seek to add further industry to the area.

EMILY ESTRADA 3L SPENDS SUMMER WORKING FOR EPA IN SEATTLE

During this past summer, Emily Estrada clerked in Seattle at the Environmental Protection Agency's (EPA) Region 10 office, which serves the states of Washington, Oregon, Idaho and Alaska. Emily worked on a variety of issues including environmental justice, tribal land rights, and the sufficiency of Washington's State Implementation Plan under the Clean Air Act. Emily also worked on disseminating information regarding offshore drilling in Region 10. Offshore drilling in the Pacific Northwest has been greatly affected by the recent Gulf oil spill and subsequent moratorium on offshore drilling.

Emily's largest project involved drafting a referral for civil prosecution to the Department of Justice. The case concerned violations of the Clean Water Act in which a polluter



Emily Estrada at Granite Mountain near Seattle, Washington.

dredged and filled wetlands without getting a permit from the Army Corps of Engineers. Emily worked closely with EPA wetlands biologists, geologists, and attorneys in order to create a litigation report that ultimately will be submitted to the Department of Justice.

In addition to the above projects, Emily also was able to attend EPA workshops and seminars concerning tribal law, environmental justice, and bankruptcy. She was thrilled to have the opportunity to spend a summer exploring Seattle and its surroundings while gaining invaluable experience acquiring the skills needed to become a successful environmental lawyer. Emily is currently the Co-President of Maryland's Environmental Law Society and plans to graduate from the law school with a certificate of concentration in environmental law.

A SUMMER INTERNSHIP WITH EARTHJUSTICE *By Cheryl Cortemeglia 3L*

“Because the earth needs a good lawyer!” This is Earthjustice's motto which permeates and informs the actions of its lawyers and staff. Soon after Congress enacted the National Environmental Policy Act of 1969 (NEPA) and created the U.S. Environmental Protection Agency (EPA), Earthjustice began as the Sierra Club Legal Defense Fund in 1971. Earthjustice tasked itself with safeguarding the environment by enforcing business community and federal government accountability. Although it changed its name in 1997, its mission has remained the same: enforcing all of the nation's major environmental laws through litigation. Over the years, Earthjustice has represented more than 600 clients and expanded to twelve offices nationwide: nine regional offices, an international office, a policy and legislation office, and its headquarters in California. Washington D.C. is home to both the regional office and the policy and legislation office.

I began my summer clerkship in May 2010 with three other law students at Earthjustice's Washington D.C. office. Throughout the summer, I worked with five attorneys researching and drafting memoranda and comments for pending litigation, pending congressional legislation, proposed administrative agency rules and general permits, and potential future lawsuits. I also worked on a summer-long

project conducting scientific and legal research of endocrine-disrupting chemicals. Through this project, I attended client meetings, discussions with experts, and a public hearing for a proposed Clean Water Act permit at the EPA.

Through this externship, I gained important insight into the value of Earthjustice and other non-profit organizations.

While the government's role enforcing environmental laws often changes with the President's administration, Earthjustice's role remains the same: to fiercely advocate for environmental and human health as an integral part of our nation's adversarial legal system. With limited resources, common goals, and similar clients, Earthjustice often works with other non-profit organizations to ensure adequate protection of the environment and human health. I found this collaborative work environment uniquely valuable and the organizations' goals rewarding. If you are interested in environmental litigation or legislation, I highly recommend applying for an internship with Earthjustice.



Cheryl Cortemeglia

ENVIRONMENTAL LAW STUDENTS AWARDED SCHWEITZER FELLOWSHIPS

In 2009 environmental law students Leila Ashkeboussi, and Katie O'Malley, 2L, were jointly awarded an Albert Schweitzer Fellowship for their proposed Environmental Justice and Civic Leadership Project. The Albert Schweitzer Fellows Program awards one-year interdisciplinary fellowships in eleven U.S. cities to enrich graduate study through community service and leadership development. Leila and Katie partnered with the University of Maryland, Baltimore ("UMB") Outreach Council and "Club UMB" to implement their public service project at Diggs Johnson Middle and George

Washington Elementary Schools in Baltimore. The UMB Outreach Council launched Club UMB to provide an after-school mentorship program for Baltimore City youth intended to foster a relationship between UMB students and the community surrounding the campus.

Leila and Katie developed lesson plans designed to increase the middle and elementary school students' awareness of environmental concerns such as global warming, recycling, drinking water quality, and the Chesapeake Bay.



Albert Schweitzer fellows Katie O'Malley and Leila Ashkeboussi with members of the UMB Outreach Council and Baltimore City students from Diggs Johnson Middle and George Washington Elementary Schools.

The lesson plans were activities-based projects including tap-versus-bottled water taste testing, tree planting to offset carbon dioxide emissions, distributing canvas bags in the classroom to conserve paper and plastic resources, and visiting Maryland Living Classrooms to learn more about issues affecting the Chesapeake Bay watershed. Other activities incorporated science and health themes such as genetics, nutrition, and disease control and prevention. For their Fellowship, Leila and Katie performed 100 hours of direct community service as mentors and 100 hours of preparation through their

involvement with the UMB Outreach Council.

By the end of the project, the participating students were more conscious of their relationship to the natural environment and exhibited an increased interest in science. During the 2010-2011 academic year, Katie and Leila will continue serving on the UMB Outreach Council to develop future lesson plans to support Club UMB. They also hope to solicit more volunteers from the law school student body and faculty.

19TH ANNUAL ENVIRONMENTAL LAW WINE TASTING

Enjoy fine wines and light refreshments with your fellow alumni, faculty, and friends of the Environmental Law Program.

FRIDAY, NOVEMBER 12, 2010, 6:30 P.M.

School of Law & Westminster Hall
519 West Fayette Street
Baltimore, MD

**R.S.V.P. to Suzann Langrall
410-706-4529**

or at www.umdlaw.net/winetasting

STEPHEN STEC '86: HUMANITARIAN LAW VS. STATE SOVEREIGNTY

Stephen Stec ('86) is an Adjunct Professor at Central European University in Budapest Hungary, and Senior Researcher at the Center for Environment and Security. He recently published "Humanitarian Limits to Sovereignty: Common Concern and Common Heritage Approaches to Natural Resources and the Environment," 12 *International Community Law Review* 361 (2010). In the article, Professor Stec traces the history of humanitarian law as a counterpoint to state sovereignty and examines how this history has guided and informed current debate on how the international community will address future environmental concerns.

Professor Stec follows the thread of modern state sovereignty from the Peace of Westphalia (1648) through the rise of nation states in the 19th century to the post-colonial, self-determination movement in the 20th century. The rise of modern nation states reinforced sovereignty norms in which the state maintains complete sovereignty over all actions within its borders. During this period, international law focused on harmonizing states' interests and resolving conflict between nation states. The rise of ecological and human rights concerns has challenged the prevailing state sovereignty model. For example, the 1972 World Heritage Convention recognized a "common heritage" whereby the international community sought to preserve certain historic and natural sites within states because they have "universal value" for mankind. Signatory states agreed to act as trustees for all of mankind and for future generations thereby creating new obligations that constrain state sovereignty.

The 1992 Rio Declaration followed the expansion of international involvement into problems of "common concern" for mankind, reflecting a progression of international cooperation from harmonizing varying and conflicting state interests to the recognition of norms and values (humanitarian concerns) that transcend individual state interests. Professor Stec explores the emerging international norms of preventing harm, advancing human rights, protecting environmental resources and managing them for future generations and the challenges these norms present to both state sovereignty and international law. Professor Stec concludes that potential sources of authority to en-



Stephen Stec '86

force these emerging norms may be found in new and existing institutions of "world authority" (akin to the United Nations Trusteeship Council), and diffuse governmental and non-governmental organizations (World Bank, European Union, corporations, public interest groups), but that any diffusion of new norms must be community-based to succeed. Moreover, by drawing parallels between the early 17th Century and today, Professor Stec demonstrates that critiques of sovereignty

are aimed at its modern, social experimentation incarnation. By returning to its roots, sovereignty may still provide the best opportunity for the legitimate enforcement of humanitarian norms within state boundaries.

Other articles by Stephen Stec:

"Environmental Justice through Courts in Countries in Economic Transition," in Jonas Ebbesson and Phoebe Okowa, eds., *ENVIRONMENTAL LAW AND JUSTICE IN CONTEXT* (Cambridge University Press: 2009).

"Civil Society Turning 21 – Development of Environmental Civil Society Groups in the West Balkans," *Iustum Aequum Salutare* V. 2009/1, 67-84.

"EU Enlargement, Neighbourhood Policy and Environmental Democracy," in Marc Pallemarts, ed., *THE AARHUS CONVENTION AT TEN: INTERACTIONS AND TENSIONS BETWEEN CONVENTIONAL INTERNATIONAL LAW AND EU ENVIRONMENTAL LAW* (Europa Law Publishing: 2009).

"A River Ran Through It: Peace-Building on the Sava River in Post-Conflict Former Yugoslavia," in Carl Bruch, ed., *STRENGTHENING POST-CONFLICT PEACE-BUILDING THROUGH NATURAL RESOURCE MANAGEMENT*, Vol. 6: Governance and Institutions (2010).

MEGAN MUELLER '10 RECEIVES KNAUSS FELLOWSHIP

Megan Mueller, a 2010 graduate of Maryland's Environmental Law Program, has been awarded a Knauss Fellowship to work on federal marine policy issues. The Knauss Fellowship is awarded to 50 individuals every year who have recently completed graduate programs, primarily in science-related fields. In 2010, three law school graduates were selected, including Megan Mueller.

Before coming to law school Megan knew she wanted to pursue a career in marine policy. She graduated from the University of South Carolina with a degree in Marine Science and Biology. Megan chose Maryland because of its Environmental Law Program, proximity to Washington, D.C., and the school's excellent reputation. She observes that "Maryland definitely gave me the best of both worlds—the Law School has a great national reputation, and the Environmental Law Program gives students individualized attention that really takes students' needs and goals into account."

While in law school, Megan helped persuade the Environmental Law Program to resume offering a Global Fisheries Law class. She also gained experience in marine policy through her internships at the Chesapeake Bay Foundation, the Maryland Department of Natural Resources's Fisheries Service, and the BEACH Program at the EPA. Through Maryland's clinical law program, Megan obtained lobbying and grass roots experience, including preparing and delivering legislative testimony.

The Knauss Fellowship application process is administered by 30 state SeaGrant programs that allocate grant

money for marine research. Each state SeaGrant program, including the University of Maryland, conducts interviews and then forwards a maximum of five applicants to the national applicant pool. The Knauss Selection Committee then selects the award recipients who then interview with "host" legislative and executive employers – Megan's interview will be in November 2010 and she will begin her fellowship in February 2011. Positions last year included: Communication and Legislative Support Fellow (National Oceanic and Atmospheric Administration (NOAA)), Office of Education, Marine Mammal Policy Analyst (NOAA), Fisheries, Legislative and Congressional Affairs Specialist (US Fish and Wildlife Service), Policy Liaison (US Navy), and Offshore Wind Program Analyst (Department of Energy).

The Knauss Fellowship will provide Megan with a terrific opportunity to advance her career goals. It has been described as a "Top Gun" training program for NOAA. The fellowship will give her an inside track to a career with NOAA and, more broadly, enrich her connections in the marine policy world. The Environmental Law Program is proud of Megan and confident that the fellowship is just the beginning of a spectacular career for her in the marine policy field.



Megan Mueller '10

PROFILE: LORI SCHECTEL '99

Lori has been working for the San Francisco Public Utilities Commission (SFPUC) for the past seven years, first as an Environmental Regulatory Specialist and currently as the Environmental Compliance Planner for the Natural Resources Division of the Water Enterprise. As an SFPUC Environmental Regulatory Specialist, Lori has worked on numerous development-related environmental issues including managing a watershed restoration project, coordinating SFPUC regulatory compliance efforts, and assisting in the development of a habitat conservation plan under the Endangered Species Act.

Lori's division manages approximately 60,000 acres of watershed lands owned by the City and County of San Francisco (the Peninsula Watershed and Alameda Watershed) as well as over 200 miles of rights-of-way lands containing major water transmission lines from the Hetch Hetchy Reservoir in Yosemite National Park. Lori's conservation efforts include the Peninsula Watershed, a state fish

and game refuge with the highest concentration of rare, threatened, and endangered species in the San Francisco Bay area. She is currently developing a new compliance scheme for operation and maintenance activities on the watersheds and rights-of-way lands to ensure compliance with a host of state and federal regulations. In this capacity, Lori handles permitting issues with the California Department of Fish & Game and the U.S. Fish and Wildlife Service and will help assume monitoring and reporting responsibilities under Mitigation & Monitor-



Lori Schectel '99 at the Golden Gate Bridge

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KHUSHI DESAI '07 JOINS EARTHJUSTICE

Like many aspiring environmental lawyers, Khushi Desai '07 dreamed of a career in public interest litigation, but wondered how she could break into this ultra-competitive field. She then developed a plan, stuck to it, and did not give up on her goal. Her hard work paid off when Earthjustice, the nation's premier public interest environmental litigators, hired Khushi in June 2010.

While a student at the University of Maryland College Park, Khushi developed an interest in environmental law and graduated with a degree in Environmental Science and Policy. As part of her undergraduate studies she interned at the Environmental Law Institute and even took Professor Percival's Comparative Environmental Law class, which then was jointly taught with Professor Miranda Schreurs from the Department of Government and Politics. This helped convince Khushi to enroll in the University of Maryland School of Law to obtain her certificate of concentration in environmental law.

During her law school studies, Khushi took advantage of every opportunity to obtain clinical experience. For summer work she sought out a law firm that pursued toxic tort litigation – an Erin Brockovich type of law firm. Khushi's research led her to Mason LLP in Washington, D.C., a small law firm that specializes in toxic tort and consumer protection lawsuits. She cold-called the firm to let them know of her interest, interviewed, and obtained a summer associate position. Khushi later accepted the firm's offer of a permanent position after her law school graduation in 2007.

Khushi spent the next three years litigating a variety of matters at Mason LLP – from mortgage fraud to global warming, as well as unlawful tax assessments to the recent Deepwater Horizon oil spill. "These wide-ranging experiences allowed me to learn from many exceptional attorneys

with various backgrounds and interests, and develop a strong, diverse foundation in complex litigation that gave me the confidence to make my move into the non-profit sector," explained Khushi.

Though much of Khushi's work did not involve environmental law, she continued to remain involved with environmental issues. Khushi had a long-standing interest in the Bhopal environmental disaster, the subject of her honors thesis in college. Her work at the law firm brought her in touch with the International Campaign for Justice in Bhopal, headquartered in California. Khushi did pro bono work for the Campaign for Justice in Bhopal and hosted a party in December 2009 to raise funds for the Bhopal Medical Appeal (an organization dedicated to providing medical assistance to Bhopal survivors and their families).

Khushi's hard work as a litigator and commitment to environmental advocacy gave her the opportunity to transition to environmental litigation at Earthjustice. "I'm incredibly excited to have the opportunity to be part of Earthjustice's legal efforts at this time in my career," Khushi said recently. "This is precisely the type of work I've wanted to do for as long as I can remember, so I am happy with the decisions I made both before and after law school." As for advice to current law students, Khushi suggests "pursuing opportunities that help develop your skills as a lawyer while also staying connected to your own specific practice interests."



Khushi Desai '07 in Jaipur, the capital of Rajasthan India

Lori Schectel '99

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ing Plans for a Habitat Reserve Program to compensate for impacts from the SFPUC's \$4.6 billion Water System Improvement Project.

How did Lori make the leap from the Baltimore-Washington D.C. area to San Francisco? During law school she worked at the EPA's Office of Enforcement & Compliance Assurance, took a variety of environmental law courses, and participated in the Environmental Law Clinic. Lori found that these experiences were "instrumental in affirming my decision to pursue a career in the environmental regulatory field and provided me with valuable tools to help me hit the ground running immediately following law school." After graduation, Lori went to work at the EPA's Office of Administrative Law Judges as an attorney adviser

for one and a half years. She then moved to private practice at Bracewell & Giuliani in Washington D.C. where she counseled clients on a wide variety of environmental matters for another two and a half years.

While Lori found the University of Maryland School of Law and the Environmental Law Program to be "fantastic" and enjoyed her time here, she believes her choice to move out to San Francisco was the best move she made: "While I appreciated being in the center of the regulatory world in the D.C. area, I wanted to make an impact at the local level and the San Francisco Bay Area offers a lot of opportunities to that end, along with a mild climate and an abundance of cultural offerings and outdoor activities."

Chemical Regulation Reform

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ronmental groups, and industry. While the need to reform TSCA is universally accepted, the shape and scope of such reform is not.

At the law school's October 2009 Ward Kershaw Symposium, a panel of government officials from the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA) and the Consumer Products Safety Commission (CPSC) reflected on the limited resources, insufficient laws, inadequate information, and overly-cumbersome rule-making processes which have severely limited their respective and collective abilities to regulate chemicals. These observations mirror prior Center for Progressive Reform findings. After the panel presentation, conference participants developed a general consensus for future chemical regulation reform.

Reform suggestions included: developing toxicity data which included requiring manufacturers to test chemicals and disclose the results in pre-manufacturing notices; limiting confidential business information (CBI) protections (e.g., require CBI substantiation for all claims, no CBI protection for toxicity studies, have CBI protection expire after a set time); improving federal agency disclosure of data and the reasoning behind agency decisions; and publishing lists of intrinsically hazardous chemicals and data gaps for existing chemicals with unknown risk profiles.

In April, 2010 the House of Representatives Committee on Energy and Commerce released its draft Toxic Chemicals Safety Act of 2010, H.R. 5820. The draft Act addresses many of the problems and includes several of the proposed solutions put forth at the October Ward Kershaw conference including: limiting confidential protections, requiring industry to provide more toxicological data to the EPA and bolstering EPA's authority to compel industry testing, enabling EPA to reduce the risk of particular chemicals with well-documented risk profiles, and providing public access to data submitted pursuant to the proposed Act. Some proposed reform measures, such as creating and requiring manufacturers to produce a base set of toxicologic data for prioritized chemicals have widespread support, while other measures have drawn strenuous industry objection.

The June 2010 ABA Conference highlighted some of the most contentious issues. H.R. 5820 proposes a more rigorous safety standard ("reasonable certainty of no harm") in place of the current standard ("unreasonable risk of injury to health") and places the burden of proof on industry, rather than the EPA. Representatives of environmental

groups applauded strengthening chemical safety standards and placing chemical safety burden of proof on manufacturers. Industry group representatives believe the standard is unclear and inappropriate as it adopts health and safety standards for bioactive drugs and food additives and applies them to industrial chemicals.

Industry representatives' grievances put forth at the ABA Conference were echoed in testimony before the House Energy and Commerce committee hearings in July. In addition to criticizing the proposed chemical safety standard, industry groups further warned that weakening CBI protections and increasing new chemical testing and reporting requirements would stifle chemical innovation, including "green chemistry" initiatives, and therefore would be counter-productive.

With the upcoming Congressional elections, TSCA reform legislation is unlikely to move during this Congress. However, chemical regulation reform efforts continue under TSCA and various state laws. The National Research Council has recently proposed moving away from traditional

animal-based toxicity testing and toward cell-based in vitro testing, which is quicker, easier and cheaper than animal testing. The EPA is moving forward with the development of in vitro testing regimens through an interagency working group, Tox21, and computer-based toxicological screening programs, such as ToxCast. In addition, recent actions by states such as California, Maine, and Minnesota have increased the dissemination of chemical information. Finally, Europe's implementation of the Registration, Evaluation, and Authorization of Chemicals ("REACH") will greatly increase the amount of available toxicological data which will close the large "data gap" that exists for most chemicals and could form the basis for future chemical regulation.

The current patchwork system of chemical regulation is untenable. During the ABA Conference, UMDLaw Professor Rena Steinzor summarized chemical regulation under TSCA as symptomatic of broad regulatory dysfunction where the EPA focuses on "the chemical of the month," while thousands of potentially hazardous chemicals require risk assessments, and states attempt to plug the yawning gaps in TSCA regulation. Ultimately, various state, European, and Canadian regulatory schemes could shape the future of federal chemical regulation and drive industry to demand a unifying regulatory structure. New information developed under the European REACH system may jump start regulation in the United States.



Professor Rena Steinzor addressing the Ward Kershaw Symposium: Regulatory Dysfunction in 3D – TSCA, CPSC and the OSH Act.

PROGRAM NEWS

LAW SCHOOL TO SERVE AS EASTERN REGION HEADQUARTERS FOR PUBLIC HEALTH LAW NETWORK

The Robert Wood Johnson Foundation has announced that the University of Maryland School of Law, working with Johns Hopkins Bloomberg School of Public Health, will serve as the Eastern Region Headquarters for the newly established national Public Health Law network (www.publichealthlawnetwork.org). The Eastern Region will be led by School of Law Associate Professor Kathleen Dachtler, with Professor Rena Steinzor and Associate Dean Diane Hoffmann, as well as faculty from the Johns Hopkins School of Public Health supporting the Eastern Region Headquarters' work.

The Eastern Region's areas of special focus will be environmental health, food safety and injury prevention. The

Network will provide legal technical assistance, training materials, and programs on public health law. As of September 20, 2010, anyone working in the public health field can call or e-mail the Network for guidance on how best to apply the law to their particular public health concern. Public health practitioners, researchers, lawyers, policy makers, and advocates are encouraged to join the Network as the true purpose of the Network is to serve as a conduit to link those in need of public health expertise to those with the specific legal or technical expertise. The project will be funded by a Robert Wood Johnson Foundation \$1.3 million grant to the School of Law

ENVIRONMENTAL LAW PROGRAM WELCOMES NEW STAFF MEMBERS

In May 2010 the Environmental Law Program hired William Piermattei as the new Managing Director for the Environmental Law Program. Bill graduated from the University of Maryland School of Law with honor in 1999 with a concentration in environmental law and returns to the law school after ten years in private practice.

During his career as a litigator, he represented businesses and professionals in a variety of different civil suits, including toxic torts, products liability, business torts, and professional malpractice. Bill was an associate at Venable, LLP in Baltimore before making the jump back to the law school: "I enjoyed practicing law and Venable provided a great opportunity to work with outstanding lawyers, but I really wanted to get back to working in environmental law. Returning to the law school and working with Professors Percival, Steinzor and Barrett as well as students interested in environmental law is a unique opportunity that I had to pursue. I could not be happier with my career move or more excited about what lies ahead."

The Environmental Law Clinic also expanded its staff with the hire of Andrew Keir '10 as a Clinical Law Fellow for the 2010-11 academic year. As a Clinical Fellow, Andrew supervises clinical students, collaborates with

Professor Jane F. Barrett and Staff Attorney Christine Meyers, and manages the Environmental Law Clinic's caseload of regulatory, legislative, and enforcement matters. Andrew graduated cum laude from University of Maryland School of Law, where he concentrated in environmental law and served as Articles Editor for the Journal of Business and Technology Law. While in law school, Andrew worked as an intern and summer law clerk at the Maryland Office of the Attorney General at Maryland Department of the Environment where he worked closely with several Assistant Attorneys Generals on a range of environmental issues, including Clean Air Act permits, Clean Water Act enforcement actions, and violations of Maryland's lead paint laws.



William Piermattei '99



Andrew Keir '10

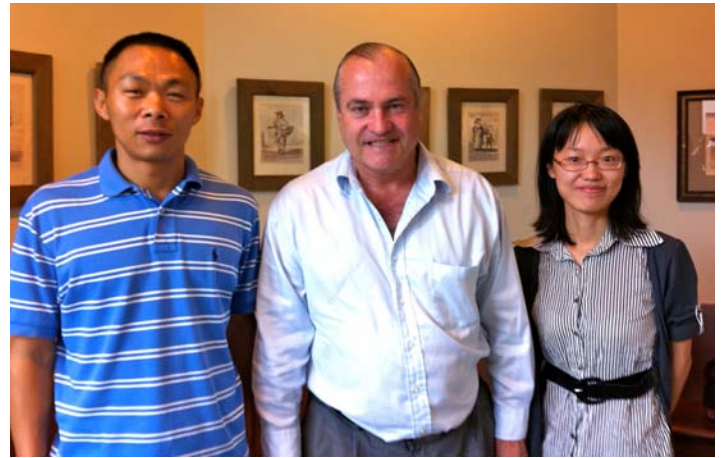
MARYLAND WELCOMES 2010-2011 VISITING ENVIRONMENTAL LAW SCHOLAR

Huang Jing, an expert on Chinese environmental law, is now in residence at Maryland as the 2010-2011 visiting environmental law scholar. Ms. Huang graduated from the China University of Political Science and Law (CUPL) in Beijing where she worked for the Center for Legal Assistance to Pollution Victims, a public interest environmental organization that seeks redress for victims of environmental harm in China. While a student at CUPL she was a member of the first team of Chinese law students to compete in the Stetson International Environmental Moot Court Competition where she advanced to the international quarterfinals and received an award for authoring the second best applicant's memorial.

While at Maryland Huang Jing is assisting Professor Percival on a project involving China's new chemical regulation law and conducting research on climate change law to complete a Ph.D. in Environmental Law from CUPL.

In December 2009 she was a member of the first Chinese Youth Delegation to the Copenhagen Climate Conference. She has participated in many environmental law research projects, including a project on protection of environmental rights in China, sponsored by the Danish Institute for Human Rights and the Xiamen Green Cross Association, and a project on the establishment of regional environmental protection agencies in China funded by the Asian Development Bank.

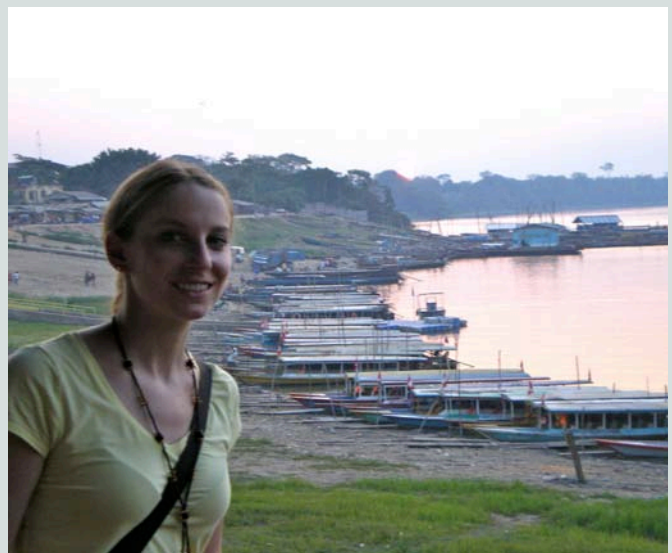
Maryland has a long tradition of hosting visiting environmental law scholars. Three previous scholars have come from China: Professor Li Yanfang from Renmin University School of Law, who was in residence from 2006-2007; Professor Hu Jing from the China University of Political Science and Law, who in residence from 2005-2006; and Professor Zhang Shijun from Shandong University, who was in residence from 2009-2010. Other visiting environmental law scholars have come from Zambia, Russia, and Uganda, including Professor Emmanuel Kasimbazi from Makerere University, who was in residence from 2009-2010.



from l to r: Visiting Chinese Professor Zhang Shijun, Professor Percival, and visiting scholar Huang Jing

MICHELLE SALOMON 3L WORKS IN AMAZON WITH EARTHRIGHTS INTERNATIONAL

Michelle began her summer internship with EarthRights International (ERI) in Washington D.C. and concluded it in the Peruvian Amazon. Michelle and ERI met with Peruvian lawyers, human rights activists, environmentalists, anthropologists, and leaders of indigenous federations in Lima, Pucallpa, and Iquitos to get a better understanding of the indigenous, human rights and environmental movements in Peru. Thereafter, Michelle and ERI took an hour and a half float plane ride from Iquitos into the Peruvian Amazon where they visited the indigenous Achuar communities who live along the Corrientes River. In 2007, ERI and co-counsel filed suit in California U.S. District Court on behalf of 25 Achuar plaintiffs against Occidental Petroleum. The suit alleges that Occidental's disposal of hazardous substances into tributaries of the Corrientes River has resulted in wrongful death, widespread poisoning of water and soil, the destruction of fish, plants, and animals, and uprooted the Achuar's culture and way of life.



Michelle Salomon in Pucallpa, Peru

FACULTY ACTIVITIES

ROBERT V. PERCIVAL

PUBLICATIONS

Environmental Law: Statutory And Case Supplement With Internet Guide, 2009-2010 (Aspen Publishing 2009) (with Schroeder).

“Liability for Environmental Harm and Emerging Global Environmental Law,” *25 Maryland Journal of International Law* 37 (2010).

“美国环境法权威最新撰文披露：被刻意隐藏的BP漏油事故真相” (“New Article Written by American Environmental Law Authority: The Hidden Truths of the BP Oil Spill”), *South Weekly*, Guangzhou, China, July 29, 2010 (available online at: <http://www.infzm.com/content/48203>).

PRESENTATIONS

“Protection of Biodiversity, Climate Change and Emerging Global Environmental Law,” 8th IUCN Academy of Environmental Law Colloquium, Ghent University, Ghent, Belgium, September 15, 2010.

“Climate Change, Technology Transfer & Intellectual Property Law,” The Transatlantic Climate and Energy Dialogue: Balancing Aspirations with Actions, American Institute for Contemporary German Studies, Johns Hopkins University, Carnegie Endowment for International Peace, Washington, D.C., Sept. 13, 2010 (paper presentation).

“Overview of U.S. Environmental and Water Law and its Implications for Water Pricing,” Jiangsu Province Water Pricing Policy Group, Institute for Global Chinese Affairs, University of Maryland, Baltimore, Maryland, Sept. 8, 2010.

“Climate Change and China: Concluding Remarks,” International Forum on Legislation on Climate Change and Low Carbon Economy, June 2, 2010, Renmin University of China Law School, Beijing, China.

“Responding to Climate Change: An American Perspective,” International Forum on Legislation on Climate Change and Low Carbon Economy, June 1, 2010, Renmin University of China Law School, Beijing, China.

“Citizen Suits,” Conference on Tort Liability Law and Judicial Relief for Environmental Torts, May 30, 2010, Renmin University of China Law School and Natural Resources Defense Council, Beijing, China

“Environmental Torts,” Conference on Tort Liability Law and Judicial Relief for Environmental Torts, May 29, 2010, Renmin University of China Law School and Natural Resources Defense Council, Beijing, China.

“The Emergence of Global Environmental Law,” Al Isra University, Al Qastel, Jordan, May 6, 2010.

“Moot Court Competition and Global Legal Education,” Opening Ceremonies, Fourth Jordanian National Moot Court Competition, Palace of Justice, Amman, Jordan, May 5, 2010.

“Liability for Environmental Harm and Emerging Global Environmental Law,” The Buchmann Faculty of Law, Tel Aviv University, Tel Aviv, Israel, May 4, 2010.

“Responding to Global Climate Change,” Seminar on Critical Issues in Global Health, Univ. of Maryland School of Nursing, Baltimore, Maryland, April 28, 2010.

“Risk, Uncertainty & Precaution: New Directions for Environmental Policy,” Conference on EU Integration of Trade and Non-Trade, University of Maastricht, Maastricht, Netherlands, April 14, 2010.

“So You Want to Be an Environmental Lawyer,” Phi Alpha Delta Pre-Law Fraternity, University of Maryland College Park, March 11, 2010.

“Environmental Litigation and Global Corporate Responsibility,” Symposium on Environmental Lawsuits and Corporate Social Responsibility, Fordham Law School, New York City, March 5, 2010.

“How Safe Is ‘Safe’? The Emerging Global Law of Environmental Health Protection,” World Health Organization, Geneva, Switzerland, February 15, 2010.

“Global Environmental Law,” American Law Institute-American Bar Association, 40th Anniversary Environmental Law Conference, Bethesda, Maryland, February 4, 2010.

“An Introduction to Global Environmental Law,” Yarmouk University School of Law, Irbid, Jordan, December 9, 2009.

“A History of Global Environmental Law,” Philadelphia University School of Law, Ayn al Basha al Badida, Jordan, December 10, 2009.

“The Emergence of Global Environmental Law,” King Hussein Club, Amman, Jordan, December 10, 2009

“Global Environmental Law,” Introduction to Environmental Law, Environmental Science and Policy Program, University of Maryland College Park, College Park, Maryland, November 23, 2009.

“Liability for Environmental Harm: The Role of Public Interest Litigation,” Ten Years of Environmental Legal Assistance Hotline: A Celebration and Seminar on Environmental Litigation and Legal Assistance, Xijiao Hotel, Beijing, China, November 8, 2009.

“Toward Global Liability Standards for Environmental Harm,” 7th Colloquium of the IUCN Academy of Environmental Law, Wuhan University, Wuhan, China, November 2, 2009.

“Climate Change and Environmental Federalism in the Aftermath of *Massachusetts v. EPA*,” Roundtable on U.S. NEPA, Environmental Federalism, Climate Change and New Developments in Environmental Law and Policy in China, Wistaria Hotel, Shanghai, China, October 30, 2009.

“Comparing U.S. and Chinese Environmental Law,” Seminar on “China Law and Society,” NYU in China Program, East China Normal University, Shanghai, China, October 29, 2009.

“Global Liability for Environmental Harm,” Conference on “Multilateralism and Global Law: Evolving Conceptions of International Law and Governance,” University of Maryland School of Law, October 23, 2009.

“The Supreme Court’s 2009-2010 Term,” American Constitution Society, University of Maryland School of Law, October 5, 2009.

“Environmental Justice and the Global Economy,” Program on “Justice and the Global Economy,” University of Maryland Baltimore, October 3, 2009.

RENA STEINZOR

PUBLICATIONS

THE PEOPLE’S AGENTS AND THE BATTLE TO PROTECT THE AMERICAN PUBLIC. (Chicago Press 2010) (with Sidney Shapiro).

“High Crimes, Not Misdemeanors: Deterring the Production of Unsafe Food,” V. 19, No. 2, *Health Matrix: Journal of Law-Medicine*, 2010.

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

“Workers at Risk: Regulatory Dysfunction at OSHA,” Center for Progressive Reform White Paper no. 1003. 2010. (with McGarity, Shapiro, and Shudtz).

“The Hidden Human and Environmental Costs of Regulatory Delay,” Center for Progressive Reform Working Paper. 2009. (with O’Neil, Sinden, Goodwin and Huang).

“A Return to Common Sense,” Center for Progressive Reform Working Paper. 2009. (with Sinden, Shapiro and Goodwin).

“Regulatory Dysfunction: How Insufficient Resources, Outdated Laws, and Political Interference Cripple the ‘Protector’ Agencies’.” Center for Progressive Reform Working Paper, 2009. (with Shapiro and Shudtz).

“Nominee Jacob Lew must take a fresh look at the broken regulatory situation.” *Grist: A Beacon in the Smog*, September 16, 2010.

“Time for a regulatory revival: The Gulf oil spill was cause, in part, by a culture of lax oversight of business that pervades the federal government.” *Baltimore Sun*, June 17, 2010.

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Faculty Activities

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RENA STEINZOR

PRESENTATIONS

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

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

“In Search of Impartial Science,” Panelist. “An Agenda for the New EPA,” ELI Presentation, Environmental Law Institute, Washington, DC, October 6, 2009.

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

JANE F. BARRETT

AWARDS

2010 Clinical Legal Education Association (CLEA) Outstanding Advocate for Clinical Teachers Award.

PUBLICATIONS

“BP execs should go to jail.” *Baltimore Sun* Op-ed, June 30, 2010.

“Transocean Employees Become Focus of BP Investigators.” *Bloomberg Businessweek*, July 21, 2010.

PRESENTATIONS

“The Health, Social and Legal Impact and Consequences of Man-made Disasters, and the Community’s Role in Mitigating and Managing the Legacies of These Disasters,” Panelist. The 2nd Annual University Academic Symposium, Welcome Week, University of Maryland Baltimore, Baltimore, MD, August 31, 2010.

“Overview of DeDelegation under the Clean Water Act: A review of Strategic and Legal Issues,” Presenter, Waterkeeper Chesapeake Annual Conference, Baltimore, MD, October 28, 2009.

“Supreme Court Preview,” University of Maryland School of Law, Baltimore, MD, October 12, 2009.



The Environmental Law Program awarded Certificates of Concentration to 29 students of the Class of 2010.

Front from Left to Right: Rachel Shapiro, Chris Montague-Breakwell, Daniella Einik, Dean Phoebe Haddon, Bob Percival, Limor Weismann, Lisetta Silvestri, Megan Mueller, Jane F. Barrett, Suzann Langrall

Middle from Left to Right: Rena Steinzor, Joey Tsu-Yi Chen, Jesse Iliff, Lindsay Kiddoo, Kim Stefanski, Lauren Ciurca, Megan Marie Roberts-Satinsky, Brooke O’Hanley, Sylvia Chi, Tina Meyers

Back from Left to Right: Carter Beach, Eric Hergenroeder, Andrew Keir, Patrick Smith, Aminah Famili. Not pictured: Sameer Ghaznavi, Irene Hantman, Peter Heinlein, Kevin Leslie, Tiffany Martinez, Lynne McChrystal, Maximilian Tondro, Briana Wagner, Kristen Weiss, and Scott Yager.

Congratulations Class of 2010!



15th Annual Stetson International Environmental
Moot Court Competition
FINALS

March 17-20, 2011

University of Maryland School of Law

2010-2011 Theme:
Oil Pollution and
the Marine Environment

LOOKING TO GET INVOLVED?

We're looking for volunteer judges, bailiffs, and hosts for international competitors. Please contact William Piermattei (410-706-8157, wpiermattei@law.umaryland.edu) or Suzann Langrall (410-706-4529, slangrall@law.umaryland.edu).

*Special Thanks to
The Fedder Environmental Fund for the University of Maryland School of Law
for its support of the 15th Annual Stetson International Environmental
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