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**Books:**

Editor, COMPLIANCE AND ENFORCEMENT: TOWARD MORE EFFECTIVE IMPLEMENTATION (David Markell, Du Qun, Louis Kotze, Ken Markowitz, Lee Paddock & Durwood Zaelke, eds., Edward Elgar, forthcoming 2010).

ENVIRONMENTAL PROTECTION: LAW AND POLICY (Aspen, 6<sup>th</sup> ed., forthcoming 2010) (with Robert L. Glicksman, William W. Buzbee, Daniel R. Mandelker, and Dan Bodansky). Also 5<sup>th</sup> ed. (2007), 4<sup>th</sup> ed. (2003) & 2004, 2005, 2006, 2008, and 2009 supplements.

Editor, [GREENING NAFTA: THE NORTH AMERICAN COMMISSION FOR ENVIRONMENTAL COOPERATION](#) (David L. Markell & John Knox, eds., Stanford Univ. Press, 2003)

[REINVENTING ENVIRONMENTAL ENFORCEMENT AND THE STATE/FEDERAL RELATIONSHIP](#) (Environmental Law Institute, 2003) (with Clifford Rechtschaffen). Excerpts from Chapters 2 and 5 are reprinted in MAKING LAW WORK: ENVIRONMENTAL COMPLIANCE AND SUSTAINABLE DEVELOPMENT (Durwood Zaelke, Donald Kaniaru, and Eva Kruzikova, eds., 2005).

NEW YORK STATE ADMINISTRATIVE PROCEDURE AND PRACTICE (West Pub. Co., 2<sup>nd</sup> ed., 1998 and 1<sup>st</sup> ed., 1995) (with Patrick Borchers).

**Chapters:**

*The North American Agreement on Environmental Cooperation (NAAEC)*, in MAX-PLANCK ENCYCLOPAEDIA OF PUBLIC INTERNATIONAL LAW (Oxford University Press, 2010).

[\*The North American Commission for Environmental Cooperation After Ten Years: Lessons about Institutional Structure and Public Participation in Governance\*](#), 26 LOYOLA OF LOS ANGELES INTERNATIONAL & COMPARATIVE LAW REVIEW (ILR) 341 (Spring 2004), reprinted as commentary in NORTH AMERICAN FREE TRADE AGREEMENTS (Oxford University Press, 2008).

[\*The Innovative North American Commission for Environmental Cooperation\*](#) and *Conclusions*, in [GREENING NAFTA: THE NORTH AMERICAN COMMISSION FOR ENVIRONMENTAL COOPERATION](#) (Stanford Univ. Press, 2003) (Markell & Knox, eds.)(with John Knox).

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*Environmental Policy in New York*, in Jeffrey M. Stonecash, ed., GOVERNING NEW YORK STATE, 4<sup>th</sup> ed., (SUNY Press, 2001) (with Gary Weiskopf).

*Alternative Dispute Resolution*, in ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW (Matthew Bender, 1998) (Michael B. Gerrard, ed.) (with Pam Esterman and Robin Rosenberg).

*Administrative Law*, in NEW YORK SKILLS AND PRACTICE (West Pub. Co., 1997) (with Patrick Borchers).

*Administrative Agency Relationships*, in ENVIRONMENTAL LAW AND REGULATION IN NEW YORK (West Pub. Co., 1996) (with Pam Esterman and Daniel Riesel). Also 1997 and 1998 pocket parts.

*Pollution Prevention*, in ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW (Matthew Bender, 1995).

*Waste Reduction*, in NEW YORK ENVIRONMENTAL LAW SERIES: WASTE AND HAZARDOUS MATERIALS (Lawyers Cooperative Publishing, 1995).

*Enforcement of Environmental Laws and The Department of Environmental Conservation's Role in Enforcing Environmental Laws* in THE TREATISE ON NEW YORK ENVIRONMENTAL LAW (New York State Bar Association, 1992 and 1995 supplement).

#### **Law Review and Journal Articles:**

[WHAT HAS LOVE GOT TO DO WITH IT?: SENTIMENTAL ATTACHMENTS AND LEGAL DECISION-MAKING](#), 57 VILLANOVA LAW REVIEW (2012)

[The Public Regulation of Land Use Decisions: Criteria for Evaluating Alternative Procedures](#), 7 JOURNAL OF EMPIRICAL LEGAL STUDIES 538(2010) (with Tom Tyler). (peer reviewed).

[The Role of Citizen Spotighting Procedures in Promoting Citizen Participation, Transparency, and Accountability](#), 45 WAKE FOREST LAW REVIEW 425 (2010).

[Greening the Environment Sustainably](#), 1 WASHINGTON & LEE JOURNAL OF CLIMATE, ENERGY, AND ENVIRONMENT 41 (2010).

[An Overview of TSCA, its History and Key Underlying Assumptions, and its Place in Environmental Regulation](#), 32 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 333 (2010).

[An Empirical Study of Climate Change Litigation in the United States](#), 40 ENVIRONMENTAL LAW REPORTER 10644 (2010) (with J.B. Ruhl).

[Using Empirical Research to Design Government Citizen Participation Processes: A Case Study of Citizens' Roles in Environmental Compliance and Enforcement](#), 57 KANSAS LAW REVIEW 1 (2008) (with Tom Tyler).

[\*Is There a Possible Role for Regulatory Enforcement in the Effort to Value, Protect, and Restore Ecosystem Services?\*](#), 22 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 549 (2007).

[\*Citizen-Friendly Approaches to Environmental Governance\*](#), 37 ENVIRONMENTAL LAW REPORTER NEWS & ANALYSIS 10362 (2007).

[\*Understanding Citizen Perspectives on Government Decision-Making Processes as a Way to Improve the Administrative State\*](#), 36 ENVIRONMENTAL LAW 651 (2006).

[\*“Slack” in the Administrative State and its Implications for Governance: The Issue of Accountability\*](#), 84 OREGON LAW REVIEW 1 (2005).

[\*Governance of International Institutions: A Review of the North American Commission for Environmental Cooperation’s Citizen Submissions Process\*](#), 30 NORTH CAROLINA JOURNAL OF INTERNATIONAL LAW AND COMMERCIAL REGULATION 759 (2005).

[\*The North American Commission for Environmental Cooperation After Ten Years: Promise and Progress\*](#), 26 LOYOLA OF LOS ANGELES INTERNATIONAL AND COMPARATIVE LAW REVIEW 341 (2004).

*Enhancing Citizen Involvement in Environmental Governance*, NATURAL RESOURCES & ENVIRONMENT, Spring 2004, at 49.

[\*Improving State Environmental Enforcement Performance Through Enhanced Government Accountability and Other Strategies\*](#), 33 ENVIRONMENTAL LAW REPORTER NEWS & ANALYSIS 10559 (2003) (with Clifford Rechtschaffen).

[\*Thinking Globally and Acting Locally: Reflections About the Possible Role of “Globalization” in the Evolution of SEORA\*](#), 65 ALBANY LAW REVIEW 461 (2002).

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[\*The Role of Deterrence-Based Enforcement in a “Reinvented” State/Federal Relationship: The Divide Between Theory and Reality\*](#), 24 HARVARD ENVIRONMENTAL LAW REVIEW 1 (2000). Reprinted at 32 LAND USE AND ENVIRONMENTAL LAW REVIEW 561 (2001).

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[\*The Commission for Environmental Cooperation’s Citizen Submission Process\*](#), 12 GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW 545 (2000).

*Environmental Law* (contributing author for NAAEC section), 34 THE INTERNATIONAL LAWYER 721 (2000).

[\*Some Overall Observations About the 1996 New York State Environmental Bond Act and a Closer Look at Title 5 and Its Approach to the “Brownfields” Dilemma\*](#), 60 ALBANY LAW REVIEW 1217 (1997).

*Symposium Introduction: 25<sup>th</sup> Anniversary of the New York State Department of Environmental Conservation: Past and Future Challenges and Directions*, 7 ALBANY LAW JOURNAL OF SCIENCE & TECHNOLOGY 1 (1996).

*Preliminary Thoughts on Future Policy Directions for the Management of Solid and Hazardous Waste*, 7 ALBANY LAW JOURNAL OF SCIENCE & TECHNOLOGY 119 (1996).

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*Lessons from the New York City Watershed Agreement*, 2 ALBANY LAW ENVIRONMENTAL OUTLOOK 77 (Winter 1995).

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[\*States as Innovators: It’s Time for a New Look to Our “Laboratories of Democracy” in the Effort to Improve Our Approach to Intergovernmental Regulation\*](#), 58 ALBANY LAW REVIEW 347 (1994).

[\*“Reinventing Government” : A Conceptual Framework for Evaluating the Proposed Superfund Reform Act of 1994’s Approach to Intergovernmental Relations\*](#), 24 ENVIRONMENTAL LAW 1055 (1994).

[\*The Future Application of the Public Trust Doctrine in New York State: Legislative Initiatives and Beyond\*](#), 4 ALBANY LAW JOURNAL OF SCIENCE & TECHNOLOGY 97 (1994).

[\*The Role of Local Governments in Environmental Regulation: Shoring Up Our Federal System\*](#), 44 SYRACUSE LAW REVIEW 885 (1993).

[\*The Federal Superfund Program: Proposals for Strengthening the Federal/State Relationship\*](#), 18 WILLIAM AND MARY JOURNAL OF ENVIRONMENTAL LAW 1 (1993).

*Internalizing the Costs of Pollution: Trends in U.S. Environmental Policy*, 1 R.P.I. JOURNAL OF CORPORATE ENVIRONMENTAL STRATEGY 43 (1993).

*“Sustainable Development” : First Steps Toward Realizing the Rio Principles in the United States*, 28 LAW STUDIES 34 (New York State Bar Association) (1993).

*Enforcement Challenges and Priorities for the 1990s: A State Perspective*, 1 DUKE ENVIRONMENTAL LAW & POLICY FORUM 30 (1991).

*Some Thoughts on Running a Superfund Enforcement Program: A State Perspective*, 5 NATIONAL ENVIRONMENTAL ENFORCEMENT JOURNAL 3 (Nov. 1990) (with Dolores A. Tuohy).

*Infectious and Medical Waste Laws in New York State*, 4 NATIONAL ENVIRONMENTAL ENFORCEMENT JOURNAL 3 (Nov. 1989) (with Rocky Piaggionne).

### **Book Reviews:**

*A How-To Guide to the Practice of Environmental Law*, 2 NEW YORK UNIVERSITY ENVIRONMENTAL LAW JOURNAL 360 (1993) (reviewing ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW.)

### **Other Publications:**

*Exciting Developments in Florida State University College of Law's Environmental and Land Use Program*, Florida Bar Environmental and Land Use Law Section Newsletter (August 2010) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

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*Rezoning Puts Existing Schools at Risk*, TALLAHASSEE DEMOCRAT (January 15, 2008).

*FSU's Environmental Law Program: Reflecting on the '06-'07 Academic Year, and Looking Ahead to '07-'08*, FLORIDA BAR ENVIRONMENTAL AND LAND USE LAW SECTION NEWSLETTER (Summer 2007) (with Donna Christie, Robin Craig, and J.B. Ruhl.)

*A Spring '07 Update on the FSU College of Law's Environmental Program*, FLORIDA BAR ENVIRONMENTAL AND LAND USE LAW SECTION NEWSLETTER (Summer 2007) (with Donna Christie, Robin Craig, and J.B. Ruhl.)

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*FSU's Environmental Law Program, Once Again Rated in the Top 15 Nationally, Has a Full Schedule of Upcoming Programs*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, Summer 2006 (with Donna Christie and J.B. Ruhl).

*A New Faculty Member at FSU College of Law and Activities on Tap for the Spring 2006 Semester*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, Spring 2006 (with Donna Christie and J.B. Ruhl).

*Florida Appellate Courts: Appeals Standing More Restrictive Than Agency Standing*, ABA ADMINISTRATIVE AND REGULATORY LAW NEWS, Fall 2005, at 25.

*FSU's Environmental Law Program, Recently Rated in the Top 15 Nationally, Continues with Exceptional Programming and Scholarship*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, Summer 2005 (with Donna Christie and J.B. Ruhl).

*FSU College of Law Students Make Their Mark*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, Spring 2005 (with Donna Christie and J.B. Ruhl).

*FSU College of Law Hosts Leading Environmental Law Scholars as Part of Spring 2005 Symposium*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, Winter 2004 (with Donna Christie and J.B. Ruhl).

*FSU College of Law Has an Active Schedule for 2004-2005*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, Fall 2004 (with Donna Christie and J.B. Ruhl).

*An Update on the FSU College of Law's Environmental and Land Use Alumni Group*, FLORIDA BAR ENVIRONMENTAL AND LAND USE SECTION NEWSLETTER, July 2004 (with Donna Christie and J.B. Ruhl).

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*Keep an Eye on Panhandle's Growth*, TALLAHASSEE DEMOCRAT (April 5, 2004).

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*Our Power Use Can Be Leaner and Cleaner*, ALBANY TIMES UNION (Nov. 11, 2001).

*Spent Superfund*, ALBANY TIMES UNION (April 22, 2001).

*SEQRA a Vital Part of Smart Development*, ALBANY TIMES UNION (Mar. 14, 2001) (with Philip Weinberg and Kathleen Martens).

*States on the Rise*, ALBANY TIMES UNION (Feb. 4, 2001) (with Martha Davis).

*Growth and Consequences: Sustainable Development on the Hudson*, ALBANY TIMES UNION (Nov. 19, 2000) (with Jeryl Mumpower).

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*Bring Mined Land Policy Out of the Dark*, ALBANY TIMES UNION (April 12, 1998).

*Environment Policy Needs a New Focus*, ALBANY TIMES UNION (Feb. 1, 1998).

*Goal Should Be Consistency When Cleaning Up Hazardous Waste*, ALBANY TIMES UNION (Nov. 9, 1997).

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*The Pataki Administration's Environmental Policies: Hints on Future Directions*, 4 NEW YORK STATE ASSOCIATION OF COUNTRY ATTORNEYS FOOTNOTES 1 (Summer 1995).

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*Shifting from “Mono-Media” to “Multi-Media” Environmental Regulation in New York*, 5 ENVIRONMENTAL LAW IN NEW YORK 161 (November 1994). Reprinted in 14 NEW YORK STATE BAR ASSOCIATION ENVIRONMENTAL LAW SECTION JOURNAL 7 (Nov. 1994).

*Emerging Issues in Environmental Regulation of Local Governments*, 2 NEW YORK STATE ASSOCIATION OF COUNTY ATTORNEYS FOOTNOTES 1 (Jan. 1994).

*Recent Developments Related to Municipal Liability Under CERCLA*, 1 NEW YORK STATE ASSOCIATION OF COUNTY ATTORNEYS FOOTNOTES 1 (Oct. 1992).

*NYS Department of Environmental Conservation Enforcement Priorities and Strategies*, 12 NEW YORK STATE BAR ASSOCIATION ENVIRONMENTAL LAW SECTION JOURNAL 8 (May 1992).

*Enforcement Trends at the DEC*, 9 NEW YORK STATE BAR ASSOCIATION ENVIRONMENTAL LAW SECTION JOURNAL 14 (Aug. 1989).

## **Reports:**

THE EFFECTIVENESS OF CITIZEN PARTICIPATION IN THE ARTICLE X POWER PLANT SITING PROCESS: A CASE STUDY OF THE ATHENS PROJECT (Hudson River Foundation for Science and the Environment, 2002) (with Robert Nakamura).

*Report of the Solid Waste Advisory Committee to the State Commission on the Capital Region* (Nov. 9, 1995) (served as researcher for this Committee and drafted the report).

*Issues Relating to Chlorine Gas Use at Wastewater Treatment Plants* (August 26, 1996) (prepared pursuant to a Consent Decree entered in Atlantic States Legal Foundation, Inc. v. Consolidated Rail Corporation, Civil Action No. 94-CD-1445 (August 21, 1995)).

*The Appropriate Role for States in the Federal Superfund Program*, prepared for Clean Sites, Inc. (1993).

ABA Central and East European Law Initiative (CEELI) - prepared analyses for CEELI of three draft environmental laws: 1) the Draft Law on Environmental Protection of the Republic of Georgia (1994); 2) the Draft Environmental Protection Law of the Republic of Armenia (1997); and the Draft Law on the Animal Kingdom and the Draft Law on the Plant Kingdom for the Republic of Armenia (1998).