

**DAVID L. MARKELL**  
*Steven M. Goldstein Professor*  
The Florida State University College of Law  
425 W. Jefferson St.  
Tallahassee, FL 32306-1601  
(850) 644-7692  
<http://www.law.fsu.edu/faculty/dmarkell.html>  
[DMarkell@law.fsu.edu](mailto:DMarkell@law.fsu.edu)

## **LEGAL EMPLOYMENT HISTORY**

### Teaching

Since 2002 **Florida State University College of Law**, Tallahassee, FL  
*Steven M. Goldstein Professor*  
Teach courses on Administrative Law, Environmental Law, Land Use Regulation, Legislation and Regulation, NAFTA & the Environment, and Climate Change

- Associate Dean for Academic Affairs, 2007-2008
- Appointments Committee, 2007 (spring), 2011
- Admissions Committee, 2002-2007, 2005-2007 (Chair), 2009-2011
- Promotion and Tenure Committee, 2008-2010
- Faculty Research Leave Committee, 2010, 2011
- Placement Committee, 2008 (Chair)
- Self-Study Committee, 2006-2007
- Faculty Advisor, Journal of Land Use and Environmental Law, 2011-Present
- Selection Committee for Oertel, Fernandez, Cole & Bryant Scholarship, 2008-2011
- Selection Committee for Florida Bar Environmental and Land Use Law Section Treatise Student Editors, 2006-2011
- Selection Committee for Florida Bar Foundation Public Service Fellowships, 2004-2011
- Co-Director of Environmental & Land Use Law Certificate Program, 2002-
- University Graduate Policy Committee College of Criminology Review Subcommittee, 2010

*Spring 2009: University of Virginia School of Law*, Charlottesville, VA  
*Visiting Professor*: Taught Environmental Law and a seminar on NAFTA & the Environment

1992-2002 **Albany Law School**, Albany, NY  
*Professor (tenured)* (1997-2002); *Associate Professor* (1995-1997);  
*Assistant Professor* (1992-1995)  
Taught courses on Administrative Law, Environmental Law, Land Use Regulation, and Torts, and seminars on a variety of environmental law and policy issues. Representative Committee work included:

- Long Range Planning Committee, Chair
- Faculty Affairs (Appointments) Committee

1998-2000 (two-year leave of absence to serve as Director of Submissions on Enforcement Matters, North American Commission for Environmental Cooperation - see below)

Summer 1994: **Lewis & Clark College of Law**, Portland, Oregon  
*Visiting Professor*: Taught Environmental Law

Government Service and Other Employment

- 1998-2000 **North American Commission for Environmental Cooperation**, Montreal, Canada  
Director, Submissions on Enforcement Matters. Served as the CEC Secretariat's primary representative to the public and to the three North American countries on matters relating to citizen submissions.
- 1988-1992 **NYS Department of Environmental Conservation**, Albany, NY  
*Acting Deputy Commissioner, Office of Environmental Remediation*, 4/92 - 7/92
- Directed one of the nation's largest State Superfund programs.
  - Directed the State's oil and chemical spill response and petroleum and chemical storage regulatory programs.
- Director, Division of Environmental Enforcement*, 2/88 - 3/92
- More than doubled (to 80) the number of Superfund Consent Orders negotiated annually and increased fivefold (to almost \$300 million) the value of work that companies performed annually under these Orders.
  - Established a criminal enforcement unit and doubled (to 61) the number of criminal cases developed and referred annually to prosecutors.
  - Created several enforcement policies including: a civil penalty policy, policies addressing the enforcement needs of several programs (e.g., solid waste, air, and water), and a policy to establish a statewide enforcement strategy for pursuing natural resources damages cases.
  - Created a management system that improved the collection and maintenance of enforcement statistics.
  - Prepared the first and second Annual Reports on Enforcement.
  - Pioneered the use of numerous innovative approaches to settlement.
  - Participated actively in two national enforcement organizations, the National Environmental Enforcement Council and the Steering Committee on the State/Federal Enforcement Relationship.
- 1987-1988 **United States Department of Justice, Land and Natural Resources Division, Environmental Enforcement Section**, Washington, D.C.,  
*Trial Attorney*
- Tried the first Superfund remedy case for the United States.
  - Developed a checklist for negotiating settlements that was distributed nationally to EPA enforcement personnel and to Department of Justice environmental enforcement attorneys.
- 1984-1987 **United States Environmental Protection Agency**, Boston, MA

*Assistant Regional Counsel*

- Focused on environmental counseling and litigation, primarily involving CERCLA and RCRA.
- Special Achievement Award, 1985 and 1986
- Superior Performance Award, 1985 and 1986

1982-1984 **Pierson, Ball & Dowd**, Washington, D.C.  
*Associate*

1980-1982 **Sidley & Austin**, Washington, D.C.  
*Associate*

1979-1980 **Delaware Supreme Court**, Wilmington, DE  
*Law Clerk to Associate Justice William Duffy*

**CURRENT AND PREVIOUS PROFESSIONAL AND SERVICE ACTIVITIES**

**U.S. Environmental Protection Agency, National Advisory Committee,**  
*Member*, 2010 – present

**Office of the Auditor General of Canada,**  
*External Advisor*. 2010 - 2011

**Florida Climate Institute,** *Affiliate Member*

**Organization of American States (OAS) Department of Sustainable Development,**  
**Environmental Law Advisory Group,**  
*Member*, 2007 - present

**Central American Free Trade Agreement (CAFTA) Secretariat**  
*Special Legal Advisor*, 2007

**Mediator**, 2004 - 2005: Successfully mediated a federal court Clean Air Act enforcement case.

**Expert Witness**, 2000 - 2001: Served as an expert witness in Superfund allocation litigation involving the Sidney Landfill federal Superfund site.

**IUCN (World Conservation Union) Academy of Environmental Law,** Fourth Colloquium on Environmental Law Enforcement, *Advisory Committee*

**IUCN Commission on Environmental Law,** *Member*

**Sloan Foundation Forest Industries Center,** *Virginia Tech Advisory Committee*

**Land Use and Environmental Law Review (LUELR),** *Peer Reviewer* (multiple years)

**Florida Bar,** *Law Faculty Member* and *Florida State University College of Law Liaison* to

Section on Environmental and Land Use Law

**American Bar Association, Member** (several Committees)

**New York State Bar Association Environmental Law Section**

- Executive Committee
- Co-Chair, Alternative Dispute Resolution Committee
- Co-Chair, Pollution Prevention Committee
- Received Section Council Certificate of Achievement 1997

**Rockefeller College of Public Affairs and Policy Graduate School of Public Affairs, State University of New York, Public Service Professor**

**United States Environmental Protection Agency, 1998 Science to Achieve Results (STAR) Fellowships for Graduate Study, Peer Review Panelist**

**NYS Department of Environmental Conservation**

- Risk-Based Corrective Action (RBCA) Advisory Group
- Comparative Risk Project Steering Committee
- Environmental Enforcement Advisory Committee
- Multi-Media Pollution Prevention Advisory Group
- Task Force on Underground Mineral Mining Regulation

**Temporary State Commission on the Capital Region Solid Waste Advisory Committee, Research Consultant**

**Florida State University College of Law Raa Middle School Morning Magic/Study Buddy Mentoring Program, Creator, 2009 - present**

**Albany Law School Middle School Mentoring Program, Created this mentoring program for a nearby middle school**

**Capital Leadership, Albany-Colonie Regional Chamber of Commerce**

**Government Law Center Advisory Board, Member**

**Tallahassee Jewish Federation, Board Member and past President**

**Sports-Related, Coach and Assistant Coach for daughter's softball and soccer teams**

## **HONORS AND AWARDS**

various Selected two times by an annual peer review process for having published one of the best law review articles in the field of environmental law, with republication in LAND USE AND ENVIRONMENTAL LAW REVIEW (2000, 2003). The first level peer review committee selected a third article, published in 2008, as a finalist for this honor.

- various Nominated twice for the Florida State *University Teaching Award* (2008-2009, 2010-2011) (University-wide award)
- various Designated by FSU College of Law Classes of 2008 and 2011 as faculty "hooder"
- various Selected Friend of the Class at Albany Law School (1994, 1997)
- various Received EPA Special Achievement Award (1985, 1986)
- various Received EPA Superior Performance Award (1985, 1986)
- various Fulbright Senior Specialist, Approved for the Fulbright Senior Specialists Roster, 2001-2006, 2011- Present
- 2003-04 Academic Coordinator for the *Loyola of Los Angeles International & Comparative Law Review* (ILR) 2004 symposium on the Environmental Side Agreement to the North American Free Trade Agreement (NAFTA): The North American Agreement on Environmental Cooperation (NAAEC), December 2003-2004
- 2002 Appointed to an FSU Named Professorship
- 1997 Received New York State Bar Association Environmental Law Section Council Certificate of Achievement
- 1995 Received ABA Section of Administrative Law and Regulatory Practice Award for Scholarship (honored for "the most outstanding work of legal scholarship in the field" published in 1995).
- various Semi-Pro Baseball League All-Star, All-England University Basketball Team, State of Delaware 17 & Under Table Tennis Champion

**EDUCATION**

**University of Virginia Law School**, Charlottesville, VA  
 J.D., 1979

- Dillard Fellow
- Legal Aid Society
- Legal Research Group

**Brandeis University**, Waltham, MA  
 B.A. in Politics, 1975

- magna cum laude
- Department Honors in Politics
- Senior Honors Thesis: The Delaware Coastal Zone Law Act of 1972
- Thurman Award

## Varsity Baseball Team

**PUBLICATIONS** (many of the following publications are available for downloading at <http://ssrn.com/author=332679>)

### **Work in Progress**

*Citizen Participation in our Cooperative Federalism Model of Environmental Governance: A Close Look at EPA's Petition to Withdraw Process*

### **Accepted for Publication**

*Climate Change Mitigation and Adaptation and the Roles of Land Use and Energy Law*, \_\_J. of Land Use and Env'tl Law \_\_ (2012 forthcoming).

*Pitfalls and Promise of Citizen Petitions Processes* (with J. Knox), 47 Tex. I.L.J. \_\_ (2012 forthcoming).

*What has love got to do with it?: Sentimental Attachments and Legal Decision-Making* (with T. Tyler and S. Brosnan), 57 Vill. L. Rev. \_\_ (2012 forthcoming).

*An Empirical Assessment of Climate Change in the Courts: A New Jurisprudence or Business as Usual?* (with J.B. Ruhl), 64 Fla. L. Rev. 1 (2012 forthcoming).

### **Published**

I have co-authored or co-edited five books and authored or co-authored more than forty book chapters and articles. Several publications have won national recognition. *New York State Administrative Procedure and Practice* (West Publishing) (with P. Borchers) received the 1995 ABA Section of Administrative Law and Regulatory Practice Award for Scholarship, and was cited as "the most outstanding work of legal scholarship in the field" published during that year. *Improving State Environmental Enforcement Performance through Enhanced Government Accountability and Other Strategies*, 33 Env'tl. L. Rep. 10559 (2003) (with C. Rechtschaffen), and *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), were selected through a two-step peer review process as among the best environmental and land use law articles published in 2003 and 2000, respectively, out of several hundred articles identified each year for possible selection. *Using Empirical Research to Design Government Citizen Participation Processes: A Case Study of Citizens' Roles in Environmental Compliance and Enforcement*, 57 Kansas L. Rev. 1 (2008) (with T. Tyler) was selected as a finalist by the first level peer review board for possible inclusion in the Land Use & Environment Law Review 2010-2011, a compilation of top environmental and land use law review articles.

A number of articles and book chapters have been reprinted or excerpted in treatises and compilations. At least two of the books, *Greening NAFTA and Reinventing*

*Environmental Enforcement*, have received very gracious and positive reviews.

## BOOKS

*Compliance & Enforcement in Environmental Law: Towards More Effective Implementation* (Edward Elgar Publishing, 2011) (co-editor with Du Qun, Kotze, Markowitz, Paddock & Zaelke).

*Environmental Protection: Law and Policy* (Aspen Law & Business, 6th ed., 2011) (Glicksman, Markell, Buzbee, Mandelker, and Bodansky - contributed chapters on the Clean Water Act and Enforcement and co-authored a new chapter on Climate Change) (also contributed three chapters for the 5th ed., 2007, on the Clean Water Act, Enforcement, and International Environmental Law, and developed 2008 and 2009 updates for these chapters; and contributed two chapters for the 4th ed., 2003, on the Clean Water Act and Enforcement, and developed 2004, 2005, and 2006 updates for these chapters).

*Greening NAFTA: The North American Commission for Environmental Cooperation* (Stanford University Press, 2003) (Markell & Knox, eds.) (co-edited this book, authored one chapter, and co-authored two others) (this book has received several reviews, including: Geoffrey Wandesforde-Smith, 15 *Law & Politics Book Review* 984 (November 2005), Victoria Garcia, *The Greening of NAFTA: The First Ten Years, Published on HEnvironment*, <http://www.h-net.org/reviews/showrev.php?id=9234> (April 2004), Paul Stanton Kibel, 4 *Global Environmental Politics* 102 (MIT Press) (May 2004), and Robert C. Hale, *Greening NAFTA: The North American Commission for Environmental Cooperation*. 13 *Journal of Transnational Law & Policy* 559 (2004).

*Reinventing Environmental Enforcement & the State/Federal Relationship* (Environmental Law Institute, 2003) (with C. Rechtschaffen) (excerpts of Chapters 2 and 5 are reprinted in *MAKING LAW WORK: ENVIRONMENTAL COMPLIANCE AND SUSTAINABLE DEVELOPMENT* (Durwood Zaelke, Donald Kaniaru and Eva Kruzikova eds., 2005) (for a review of *Reinventing Environmental Enforcement*, see Joel A. Mintz, *The Uncertain Future Path of Environmental Enforcement and Compliance: A Book Review and Essay Regarding Clifford Rechtschaffen and David Markell's Reinventing Environmental Enforcement & the State/Federal Relationship*, 33 *Envtl L.* 1093 (2003)).

*New York State Administrative Procedure and Practice* (West Publishing Company, 2nd ed. 1998, 1<sup>st</sup> ed., 1995) (with P. Borchers) (as noted above, this book received the 1995 ABA Section of Administrative Law and Regulatory Practice Award for Scholarship).

## CHAPTERS OF BOOKS

*The North American Agreement on Environmental Cooperation (NAAEC)*, Max-Planck Encyclopedia of Public International Law (Oxford University Press, January 2010).

*The North American Commission for Environmental Cooperation after Ten Years:*

*Lessons about Institutional Structure and Public Participation in Governance*, 26 LOY. L. A. INT'L & COMP. L. REV. 341 (2004), reprinted in 2 NORTH AMERICAN FREE TRADE AGREEMENTS: COMMENTARY C.13 (James R. Holbein and Donald J. Musch, eds., 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 J. Knox).

*The CEC Citizen Submissions Process: On or Off Course?*, in *Greening NAFTA: The North American Commission for Environmental Cooperation* (Stanford Univ. Press, 2003) (Markell & Knox, eds.)

*Environmental Policy in New York*, in *Governing New York State* (SUNY Press, 4th ed. 2001) (with G. Weiskopf).

*Alternative Dispute Resolution*, in *Environmental Law Practice Guide: State and Federal Law* (Matthew Bender, 1998) (with P. Esterman and R. Rosenberg).

*Administrative Law*, in *New York Skills and Practice* (West Publishing Company, 1997) (with P. Borchers).

*Administrative Agency Relationships*, in *Environmental Law and Regulation in New York*, (West Publishing Company, 1996) (with P. Esterman and D. Riesel) (co-authored 1997 and 1998 pocket part updates to chapter as well).

*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 ARTICLES**

*The Public Regulation of Land Use Decisions: Criteria for Evaluating Alternative Procedures*, 7 *Journal of Empirical Legal Studies* 538 (2010) (with T. Tyler) (peer reviewed).

*The Role of Citizen Spotlighting Procedures in Promoting Citizen Participation, Transparency, and Accountability*, 45 *Wake Forest L. Rev.* 425 (2010).

*An Overview of TSCA, its History and Key Underlying Assumptions, and its Place*

*in Environmental Regulation*, 32 Wash. Univ. Journal of Law & Policy 333 (2010).

*Greening the Economy Sustainably*, 1 Washington & Lee Journal of Climate, Energy, and the Environment 41 (2010).

*An Empirical Survey of Climate Change Litigation in the United States*, 40 Environmental Law Reporter 10644 (ELI, July 2010) (with J.B. Ruhl) (this paper was included in the proceedings for the second UNITAR-Yale Conference on Environmental Governance and Democracy (September 2010)).

*Using Empirical Research to Design Government Citizen Participation Processes: A Case Study of Citizens' Roles in Environmental Compliance and Enforcement*, 57 Kansas L. Rev. 1 (2008) (with T. Tyler) (one of 31 articles that the first level review board selected out of several hundred articles for possible inclusion in the Land Use & Environment Law Review 2010-2011, a compilation of top environmental and land use law review articles).

*Is there a Possible Role for Regulatory Enforcement in the Effort to Value, Protect, and Restore Ecosystem Services?*, 21 Journal of Land Use and Environmental Law 553 (2007).

*Citizen-Friendly Approaches to Environmental Governance*, 37 Environmental Law Reporter 10360 (ELI, May 2007) (updated treatment of the issues covered in *Understanding Citizen Perspectives on Government Decision-Making Processes as a Way to Improve the Administrative State*).

*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: Lessons about Institutional Structure and Public Participation in Governance*, 26 Loyola of Los Angeles International & Comparative Law Review (ILR) 341 (Spring 2004) (as noted above, reprinted in 2 NORTH AMERICAN FREE TRADE AGREEMENTS: COMMENTARY C.13 (James R. Holbein and Donald J. Musch, eds., Oxford University Press 2008)).

*Improving State Environmental Enforcement Performance Through Enhanced Government Accountability and Other Strategies*, 33 Env'tl. L. Rep. 10559 (2003) (with C. Rechtschaffen) (selected through a two-step peer review process as among the best environmental and land use law articles published in 2003 out of several hundred articles identified that year for possible selection).

*Thinking Globally and Acting Locally: Reflections About the Possible Role of "Globalization" in the Evolution of SEQRA*, 65 Albany Law Review 461 (2002).

*Symposium Introduction: A Conversation On Federalism and the States: The Balancing Act of Devolution*, 64 Albany Law Review 1087 (2001) (with M. Davis).

*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) (selected through a two-step peer review process as among the best environmental and land use law articles published in 2000 out of several hundred articles identified that year for possible selection).

*The Commission for Environmental Cooperation's Citizen Submission Process*, 12 Georgetown International Environmental Law Review 545 (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: 25th 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).

*States as Innovators: It's Time for a New Look To Our "Laboratories of Democracy" in the Effort to Improve Our Approach to Environmental 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).

*Enforcement Challenges and Priorities for the 1990s: A State Perspective*, 1 Duke Environmental Law & Policy Forum 30 (1991).

## **BOOK REVIEW**

*A How-To Guide to the Practice of Environmental Law*, 2 N.Y.U. Env'tl. L. J. 360 (1993)  
(reviewing Environmental Law Practice Guide: State and Federal Law).

## **MAGAZINE ARTICLES**

*Enhancing Citizen Involvement in Environmental Governance*, 18 Natural Resources & Environment 49 (ABA) (Spring 2004).

*The Citizen Spotlight Process*, 18 The Environmental Forum 32 (Environmental Law Institute, March/April 2001).

## **BAR JOURNAL AND SIMILAR ARTICLES**

*A Summer 2011 Update on the Florida State University College of Law's Environmental and Land Use Program*, Florida Bar Environmental and Land Use Law Section Newsletter (August 2011) (co-authored with Donna Christie and Robin Craig).

*Spring 2011 Activities at The Florida State University College of Law and Other Developments*, Florida Bar Environmental and Land Use Law Section Newsletter (February 2011) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

*Activities on Tap for the 2011-'11 Academic Year at The Florida State University College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (December 2010) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

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

*The Florida State University College of Law Program in Land Use & Environmental Law - Spring 2010 Update*, Florida Bar Environmental and Land Use Law Section Newsletter (Summer 2010) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl)

*Activities on Tap for the Spring '10 Semester at Florida State University College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (Spring 2010) (coauthored with Donna Christie, Robin Craig, and J.B. Ruhl).

*Activities on Tap for the '09-'10 Academic Year at Florida State University College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (Fall 2009) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

*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 2009) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

*Activities on Tap for the Spring '09 Semester at Florida State College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (Spring 2009) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

*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) (co-authored 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 (Spring 2007) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

*A Winter '06 Update from the FSU College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (Spring 2007) (co-authored with Donna Christie, Robin Craig, and J.B. Ruhl).

*FSU College of Law Has an Active Schedule for 2006-2007*, Florida Bar Environmental and Land Use Law Section Newsletter (Fall 2006) (co-authored with Donna Christie, Robin Kundis Craig, and J.B. Ruhl).

*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 Law Section Newsletter (Summer 2006) (co-authored with Donna Christie and J.B. Ruhl).

*A New Faculty Member at FSU College of Law and Activities on Tap for the Spring '06 Semester*, Florida Bar Environmental and Land Use Law Section Newsletter (Spring 2006) (co-authored with Donna Christie and J.B. Ruhl).

*Florida Appellate Courts: Appeals Standing More Restrictive Than Agency Standing*, ABA Administrative and Regulatory Law News 25 (Fall 2005).

*FSU College of Law Hosts Leading Scholars as Part of Spring 2006 Symposium on the Law and Policy of Ecosystem Services*, Florida Bar Environmental and Land Use Law Section Newsletter (Winter 2005) (co-authored with Donna Christie and J.B. Ruhl).

*FSU College of Law Has an Active Schedule for 2005-2006*, Florida Bar Environmental and Land Use Law Section Newsletter (Fall 2005) (co-authored with Donna Christie and J.B. Ruhl).

*FSU's Environmental Law Program, Recently Rated in the Top 15 Nationally, Continues with Exceptional Programming and Scholarship*, Florida Bar Environmental and Land Use Law Section Newsletter (Summer 2005) (co-authored with Donna Christie and J.B. Ruhl).

*FSU College of Law Students Make Their Mark*, Florida Bar Environmental and Land

Use Law Section Newsletter (Spring 2005) (co-authored 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 Law Section Newsletter (Winter 2004) (co-authored with Donna Christie and J.B. Ruhl).

*FSU College of Law Has an Active Schedule for 2004-2005*, Florida Bar Environmental and Land Use Law Section Newsletter (Fall 2004) (co-authored 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 Law Section Newsletter (July 2004) (coauthored with Donna Christie and J.B. Ruhl).

*New Programs and Student Initiatives at Florida State University College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (March 2004) (co-authored with Donna Christie and J.B. Ruhl).

*Recent Developments and Upcoming Activities at the FSU College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (January 2004) (co-authored with Donna Christie and J.B. Ruhl).

*Recent Developments and Upcoming Activities at the FSU College of Law*, Florida Bar Environmental and Land Use Law Section Newsletter (October 2003) (co-authored with Donna Christie and J.B. Ruhl).

*Florida State University College of Law's Environmental and Land Use Program: A National Leader*, Florida Bar Environmental and Land Use Law Section Newsletter (July 2003) (co-authored with Donna Christie and J.B. Ruhl).

*Environmental Law* (contributing author for NAAEC section), 34 *The International Lawyer* 721 (Summer 2000).

*A Brief Overview of the Commission for Environmental Cooperation and its Citizen Submission Process*, 2 ABA Section of Environment Energy and Resources International Environmental Law Committee Newsletter 27 (July 2000) (abbreviated version of Georgetown law review article).

*An Introduction to the 1996 Environmental Bond Act*, 5 New York State Association of County Attorneys Footnotes 4 (Spring 1997) (co-authored with Thomas M. Owens) (condensed version of the 1997 Albany Law Review article).

*Crafting a Citizen Suit Law For New York State: Issues to Consider*, 7 *Environmental Law in New York* 1 (June 1996).

*Solid and Hazardous Waste Management and Remediation: Prospects for the Future*, 2 *Albany Law Environmental Outlook* 52 (Spring 1996).

*Lessons from the New York City Watershed Agreement*, 2 Albany Law Environmental Outlook 77 (Winter 1995).

*Reinventing Enforcement: A Guide to DEC Compliance Options*, 1 Albany Law Environmental Outlook 44 (Summer 1995).

*The Pataki Administration's Environmental Policies: Hints on Future Directions*, 4 New York State Association of County Attorneys Footnotes 1 (Summer 1995).

*Regulatory Reform at the State Department of Environmental Conservation*, 6 Environmental Law in New York 65 (May 1995) (reprinted in 15 The New York State Environmental Lawyer 15 (August 1995))

*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 (January 1994).

*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 Towards Realizing the Rio Principles in the United States*, 28 Law Studies 34 (New York State Bar Association) (1993).

*Recent Developments Relating to Municipal Liability Under CERCLA*, 1 New York State Association of County Attorneys Footnotes 1 (October 1992).

*NYS Department of Environmental Conservation Enforcement Priorities and Strategies*, 12 New York State Bar Association Environmental Law Section Journal 8 (May 1992).

*Some Thoughts on Running a Superfund Enforcement Program: A State Perspective*, 5 National Environmental Enforcement Journal 3 (November 1990) (co-authored with Dolores A. Tuohy).

*Infectious and Medical Waste Laws in New York State*, 4 National Environmental Enforcement Journal 3 (November 1989) (co-authored with Rocky Piaggione).

*Enforcement Trends at the DEC*, 9 New York State Bar Association Environmental Law Section Journal 14 (August 1989).

## **NEWSPAPER ARTICLES**

*Tallahassee Jewish Federation Reaches Out*, Tallahassee Democrat Northeast Chronicle (May 20, 2010).

*Jewish teens work to help those in need*, Tallahassee Democrat Northeast Chronicle (September 23, 2009).

*Rezoning puts existing schools at risk*, Tallahassee Democrat (January 15, 2008).

*Protecting Florida's precious springs is a challenge*, Tallahassee Democrat (November 6, 2004).

*Keep an eye on Panhandle's growth*, Tallahassee Democrat (April 5, 2004).

*ACF river system is novel case for U.S. Supreme Court*, Tallahassee Democrat (Nov. 21, 2003).

*Environmental Progress in State Must Continue*, Albany Times Union Perspective (April 7, 2002) (co-authored with Gregory Mandel).

*Our Power Use Can Be Leaner and Cleaner*, Albany Times Union Perspective (November 11, 2001).

*Spent Superfund*, Albany Times Union Perspective (April 22, 2001).

*SEQRA a Vital Part of Smart Development*, Albany Times Union Commentary (March 14, 2001) (co-authored with Philip Weinberg and Kathleen Martens).

*States on the Rise*, Albany Times Union Perspective (February 4, 2001) (co-authored with Martha Davis).

*Growth and Consequences: Sustainable Development on the Hudson*, Albany Times Union Perspective (November 19, 2000) (co-authored with Jeryl Mumpower).

*Bring Mined Land Policy Out of the Dark*, Albany Times Union Perspective (April 12, 1998).

*Environment Policy Needs a New Focus*, Albany Times Union Perspective (February 1, 1998).

*Goal Should Be Consistency When Cleaning Up Hazardous Waste*, Albany Times Union Perspective (November 9, 1997).

## **REPORTS**

*The Effectiveness of Citizen Participation in the Article X Power Plant Siting Process: A Case Study of the Athens Project* (October 2, 2002) (co-authored with Professor 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 3) the Draft Law on the Animal Kingdom and the Draft Law on the Planet Kingdom for the Republic of Armenia (1998).

## **TESTIMONY**

NYS Assembly Standing Committee on Governmental Operations and the Assembly Administrative Regulations Review Commission on Revisions to the State Administrative Procedures Act (May 1995).

NYS Assembly Standing Committee on Environmental Conservation and the Administrative Regulations Review Commission on Regulatory Reform (February 1995).

NYS Legislative Commission on Toxic Substances and Hazardous Wastes on Voluntary Environmental Cleanup and Economic Development: What Should Be Done for New York? (November 1994).

U. S. House of Representative's Subcommittee on Transportation and Hazardous Materials Relating to the Federal/State Relationship in the Federal Superfund Program (October 1993).

U. S. Senate Subcommittee on Superfund, Recycling, and Solid Waste Relating to the Federal/State Relationship in the Federal Superfund Program (July 1993).

## **SELECTED PRESENTATIONS**

Panelist, *Revisiting the Role of Citizen Participation in Regional Environmental Agreements* (Wake Forest Law School, October 2009)

Panelist, *Greening the Economy Sustainably* (Washington & Lee College of Law, February 2009)

Moderator, *Climate Change in Florida: The Role of Transportation and Land Use* (Florida State University College of Law *Environmental Forum*, March 2008)

Panelist, The Role of International Trade and Trade Agreements and Organizations  
Topic: *The CEC's Citizen Submissions Process and Beyond: An Empirical Study of Citizens' Roles in Environmental Enforcement* (IUCN Academy of Environmental Law International Colloquium, Pace Law School, October 2006)

Panelist, Symposium on Ecosystem Services  
Topic: *The Role of Enforcement in Protecting Ecosystem Services* (Florida State University College of Law, Spring 2006)

Panelist, Innovative Ideas for Securing Compliance with Environmental Laws: A North American Perspective  
Topic: *An Empirical Review of Mechanisms that Allow Citizens to Participate in Environmental Enforcement and Compliance* (North American Commission for Environmental Cooperation (CEC) International Environmental Enforcement Conference, Washington, D.C., January 2006)

Panelist, *NAFTA's Environmental Side Agreement* (UNC Academic Symposium, February 2005)

Moderator, *Florida's Springs: Legal and Policy Issues* (Florida State University College of Law Environmental Forum, November 2004)

Moderator, *The Future of the Florida Panhandle* (Florida State University College of Law Environmental Forum, April 2004)

Guest, **Forum** with Michael Krasny, KQED (San Francisco, California NPR radio station), *NAFTA & the Environment* (March 24, 2004)(the KQED web site describes **Forum** as follows: "**Forum** is a live public affairs program broadcast in the San Francisco Bay Area and throughout Northern California. This award-winning program presents balanced discussions of local, state, national, and world issues as well as in-depth interviews with leading figures in politics, science, entertainment, and the arts")

Moderator, *Adaptive Governance and Florida's Water Conflicts* (Florida State University DeVoe L. Moore Center Critical Issues Conference, November 2003)

Panelist, *America's Trade and Sustainable Development Forum* (Miami Trade Ministerial, November 2003)

Panelist, Carnegie Endowment for International Peace, Washington, D.C., May 2003  
Topic: *The NAAEC Citizen Submission Process*

Speaker, The Association of the Bar of the City of New York, New York City, May 2001  
Topic: *The NAAEC Citizen Submission Process*

Panelist, The Third Annual J.B and Maurice C. Shapiro Environmental Law Conference, Washington, D.C., April 1999  
Topic: *The NAAEC Citizen Submission Process*

Panelist, New York University Law School Colloquium on Environmental Enforcement, New York City, NY, March 1998

Topic: *State and Federal Roles in Environmental Enforcement*

Panelist, Society for Risk Analysis Annual Meeting, Washington, D.C., December 1997

Topic: *Integration of Comparative Risk and Pollution Prevention*

Moderator, NYS DEC, Annual Pollution Prevention Conference, Albany, NY, June 1997

Topic: *Pollution Prevention Success Stories*

Panelist, Society for Risk Analysis Annual Meeting, New Orleans, Louisiana, December 1996

Topic: *Comparative Risk and Pollution Prevention*

Panelist, American Bar Association Section of Natural Resources, Energy, and Environmental Law, Key Environmental Issues in U.S. EPA Region II, New York, NY, June 1996

Topic: *Pollution Prevention/Multimedia Enforcement*

Panelist, NYS DEC, State Bar Association Environmental Law Section and Albany Law School Conference, 25th Anniversary of the New York State Department of Environmental Conservation: Past and Future Challenges and Directions, Albany, NY, April 1996

Topic: *The Future of Solid and Hazardous Waste Regulation and Management*

Moderator, New York State Assembly Legislative Briefing, Albany, NY, March 1996

Topic: *Cost-Benefit Analysis and Environmental Regulation*

Panelist, New York State University at Albany, Sesquicentennial Environmental Sciences and Policy Lecture Series: The Science, Policy and Economics of Environment: Is There Compatibility Between Economic and Environmental Well-Being? Albany, NY, September 1994

Topic: *The Role of Citizens in Environmental Regulation*

Speaker, Clean Sites, Inc., Conference on Superfund Reauthorization Issues, Washington, D.C., March 1993

Topic: *The Appropriate Role for States in the Federal Superfund Program*

Speaker, Issues Briefing on Environmental Quality Issues Facing New York State for New Members of the New York State Legislature (co-sponsored by The Nelson A. Rockefeller Institute of Government and the Government Law Center), Albany, NY, January 1993

Topic: *Environmental Issues on the Legislative Agenda*