

**SIDNEY A. SHAPIRO**  
**FRANK U. FLETCHER CHAIR IN ADMINISTRATIVE LAW**  
**WAKE FOREST UNIVERSITY**

**BOOKS**

- Administrative Competence: Reimagining Administrative Law* (Cambridge University Press, 2020) (with Elizabeth Fisher) (forthcoming)
- Regulatory Law and Policy: Cases and Materials* (Carolina Press, 4<sup>th</sup> ed. forthcoming 2020) (with Joseph Tomain)
- Administrative Law and Procedure: A Problem Casebook* (West Publishing Co., 6th ed. 2018)
- Achieving Democracy: Pragmatism, Regulation, and Markets* (Oxford University Press, 2014) (with Joe Tomain)
- Administrative Law and Process* (Foundation Press, 6<sup>th</sup> ed. 2014) (with Paul Verkuil & Richard Pierce)
- The People's Agents and the Battle to Protect the American Public: Special Interests, Government, and Threats to Health, Safety and the Environment* (University of Chicago Press, 2010) (with Rena Steinzor)
- Sophisticated Sabotage: The Intellectual Games that Industries Play to Subvert Responsible Regulation* (ELI Press, 2004) (with Thomas McGarity & David Bollier)
- Risk Regulation at Risk: Restoring A Pragmatic Approach* (Stanford Press, 2003) (with Robert Glicksman)
- Workers at Risk: The Failed Promise of The Occupational Safety and Health Administration* (Praeger Press, 1993) (with Tom McGarity)

**ARTICLES**

- Rulemaking Inaction and the Failure of Administrative Law, 68 Duke L.J. 1805 (2019)
- Law, Expertise, and Rulemaking Legitimacy: Revisiting the Reformation, 49 Environmental Law 661 (2019).
- Inequality, Social Resilience, and the Green Economy, 86 UMKC L. Rev. 963 (2018) (with Robert Verchick)
- Overuse of Antibiotics in Concentrated Feeding Operations and Tort Law, 47 Environmental L. Rev. 557 (2017).
- Arbitrariness Review Made Reasonable: Conceptual and Structure Reform of Hard Look, 92 Notre Dame L. Rev. 331 (2016) (with Richard Murphy)
- Talking About Regulation: Political Discourse and Regulatory Gridlock, 7 Wake Forest J. L.& Pub. Pol. 101 (2016)
- The Failure to Understand Expertise in Administrative Law: The Problem and the Consequences, 51 Wake Forest L. Rev. 1097 (2015)
- Constraining White House Political Control of Agency Rulemaking Through the Duty of Reasoned Explanation, 48 U.C. Davis L. Rev. 1457 (2015)
- Dying at Work: Political Discourse and Occupational Safety & Health, 49 Wake Forest L. Rev. 831 (2014).
- Rethinking Administrative Law: The Institutions of Public Law, 53 Washburn L. Rev. 1 (2013).
- Chevron and the Legitimacy of Expert Public Administration, 22 Wm. & Mary Bill of Rights Journal 465 (2013) (with Liz Fisher)

Public Participation Without A Public: The Challenge for Administrative Policymaking, 78 U. Missouri L. Rev. 489 (2013) (with Richard Murphy)

Pragmatic Perspective on Democracy and Regulation About Healthcare, *Salute Persona Cittadinanza* 205 (November / December 2012)

Regulatory Science in Rulemaking and Tort: Using the Weight of the Evidence Approach, 3 Wake Forest J. L. & Pol. 101 (2012) (with Thomas McGarity)

The Enlightenment of Administrative Law: Looking Inside the Agency for Legitimacy, 47 Wake Forest L. Rev. 463 (2012) (with Elizabeth Fisher & Wendy Wager)

Regulatory Capture: The Complexity of Diagnosis and Remediation, 17 Rog. Williams L. Rev. 101 (2012).

Politicized Judicial Review in Administrative Law: Three Impossible Responses, 19 Geo. Mason L. Rev. 319 (2012) (with Richard Murphy)

Cost-Benefit Analysis: An Organizational Design Perspective, 19 NYU Env'tl L. Rev. 102 (2012)

Paul Verkuil and Pragmatic Adjustment in Government, 32 Cardozo L. Rev. 2459 (2011).

Book Review: Carl F. Cranor, *Legally Poisoned: How the Law Puts Us at Risk From Toxicants*, Am J. of Industrial Medicine (November, 2011)

The Future of the Administrative Presidency: Turning Administrative Law Inside-Out, 65 Miami L. Rev. 577 (2010) (with Ronald Wright)

The Social Costs of Dangerous Products: An Empirical Investigation, 18 Cornell J. of Law & Pub. Pol. 775 (2009) (with J. Paul Leigh and Ruth Ruttenberg)

Political Science: Regulatory Science After the Bush Administration, 4 Duke Journal of Constitutional Law and Public Policy 31 (2009)

Eight Things Americans Can't Figure Out About Controlling Administrative Power, 61 Ad. L. Rev. 5 (2009) (special issue) (with Richard Murphy)

Capture, Accountability, and Regulatory Metrics, 86 Tex. L. Rev. 1741 (2008) (with Rena Steinzor)

Beyond Cost-Benefit Analysis: A Pragmatic Reorientation, 32 Harv. Env. L. Rev. 433 (2008) (with Christopher Schroeder)

OMB and the Politicization of Risk Assessment, 37 Env. L. 1083 (2007)

United Church of Christ v. FCC: Private Attorney Generals and the Rule of Law, 58 Ad. L. Rev. 939 (2007)

The People's Agent: Executive Branch Secrecy and Accountability in an Age of Terrorism, 69 Law & Contemp. Probs. 99 (2006) (with Rena I. Steinzor)

The Case Against the IQA, *Env. Forum*, July/August 2005, at 26.

Rethinking Reform of Electricity Markets, 40 Wake Forest L. Rev. 497 (2005) (with Joseph P. Tomain).

Pragmatic Administrative Law, *Issues in Legal Scholarship, The Reformation of American Administration Law* (2005): Article 1, <http://www.bepress.com/ils/iss6/art1/>.

Government Benefits and the Rule of Law: Toward A Standards-Based Theory of Due Process, 57 Ad. L. Rev. 107 (2005) (with Richard Levy)

Improving Regulation Through Incremental Adjustment, 52 K.U.L. Rev. 1179 (2005) (with Robert Glicksman) (2004) (with Robert Glicksman)

The APA and the Back-End of Regulation: Procedures for Informal Adjudication, 56 AD. L. Rev. 1159

Outsourcing Government Regulation, 53 Duke L. Rev. 389 (2004).

The Information Quality Act and Environmental Protection: The Perils of Reform By Appropriations Rider, 28 Wm. & Mary Env. L. & Pol. REV. 339 (2004).

OMB's Dubious Peer Review Proposals, 34 Env. L. Rep. 10064 (2004)

Administrative Procedure and the Decline of the Trial, 51 Kansas L. Rev. 473 (2003) (with Richard Levy)

The Missing Perspective, *The Environmental Law Forum*, March/April 2003 (with Rob Glicksman).  
Book Review: *Regulatory Encounters and American Adversarial Legalism*, 50 *Am. J. Comparative Law* 229 (2002)  
Matching Public Ends and Private Means: Insights from the New Institutional Economics, 6 *J. Small & Emerging Business* 43 (2002)  
Two Cheers For HBO: The Problem of the Nonpublic Record, 54 *Ad. L. Rev.* 853 (2002)  
The New GATT Trade Regime, Regulatory Protection, and Public Accountability, 54 *Ad. L. Rev.* 435 (2002)  
Goals, Instruments, and Environmental Policy Choice, 10 *DUKE ENV. L. & POL. FORUM* 297 (2001) (with Rob Glicksman)  
Top Ten Reasons That Law Students Dislike Administrative Law and What Can (or Should) Be Done About Them, 38 *Brandeis L.J.* 351 (2000)  
Administrative Law After the Counter-Reformation: Restoring Faith in Pragmatic Government, 48 *Kansas L. Rev.* 689 (2000)  
Voluntary Regulatory Compliance in Theory and Practice: The Case of OSHA, 52 *Admin. L. Rev.* 97 (2000) (with Randy Rabinowitz)  
The Necessity of OSHA, 8 *Kansas J. Law & Pub. Pol.* 22 (1999)  
OSHA Reform: Cooperation Versus Punishment, 49 *Ad. L. Rev.* 713 (1997) (with Randy Rabinowitz)  
Substantive Reform, Judicial Review, and Agency Resources: OSHA as a Case Study, 49 *Ad. L. Rev.* 645 (1997)  
Analyzing Government Regulation, 49 *Ad. L. Rev.* 377 (1997) (with Joe Tomain)  
OSHA's Critics and Regulatory Reform, 31 *Wake Forest L. Rev.* 587 (1996) (with Tom McGarity)  
Agency Priority Setting and Review of Existing Rules, 48 *ADMINISTRATIVE L. REV.* 370 (1996)  
A Delegation Theory of the APA, 10 *Ad. L.J.* 89 (1996)  
Judicial Incentives and Indeterminacy in Substantive Review of Administrative Decisions, 44 *Duke L.J.* 1051 (1995) (with Richard Levy)  
Keeping the Baby and Throwing Out the Bathwater: Justice Breyer's Critique of Regulation, 8 *Ad. L.J.* 713 (1995)  
The Resolution of Technological Controversies in Regulatory Agencies, 6 *Risk: Issues in Health & Safety* 127 (1995)  
Occupational Safety & Health: Policy Options and Political Reality, 31 *Houston L. Rev.* 13 (1994)  
Political Oversight and the Deterioration of Regulatory Policy, 46 *Ad. L. Rev.* 1 (1994)  
Rejoining the Battle Against Noise Pollution, 9 *Issues in Science & Technology* 73 (Spring 1993)  
Lessons from A Public Policy Failure: EPA and Noise Abatement, 19 *Ecology L.Q.* 1 (1992), reprinted in part in *ENVIRONMENTAL VIEWPOINTS* (M. Lazzari ed. 1994)  
Not So Paradoxical: The Rational For OSHA, 1991 *DUKE L.J.* 729 (with Tom McGarity), reprinted in part in *Law & The Environment: A Multidisciplinary reader* (R. Percivil & D. Alevizatos eds. 1997)  
Poverty and the Politics of Occupational Safety and Health, 1 *Kansas J.L. & Pub. Pol.* 127 (1991) (with Tom McGarity)  
Reflections on Teaching Administrative Law: Time For A Sequel, 43 *Ad. L. Rev.* 501 (1991)  
Biotechnology and the Design of Regulation, 17 *Ecology L.Q.* 1 (1990)  
Public Accountability of Advisory Committees, 1 *Risk: Issues in Health & Safety* 189 (1990)  
Rethinking OSHA: Rulemaking Reforms and Legislative Changes, 6 *Yale J. Reg.* 1 (1989) (with Tom McGarity)

Congress, the Supreme Court, and the Quiet Revolution in Administrative Law, 1988 *Duke L.J.* 819 (with Robert Glicksman)

Lab Safety and the Law, 18 *Chemtech* 267 (1988) (with Michael Burns & Robert Foster)

Heightened Scrutiny of the Fourth Branch: Separation of Powers and The Requirement of Adequate Reasons for Agency Decisions, 1987 *Duke L.J.* 387 (with Richard Levy); reprinted in part in *Administrative Law Anthology* (Thomas Sargentich ed. 1994)

Scientific Issues and The Function of Hearing Procedures: An Evaluation of FDA's Public Board of Inquiry, 1986 *Duke L. Rev.* 288

Utility Regulation and the Political Process, 33 *Kansas L. Rev.* 491 (1985)

Responses to Occupational Disease: The Role of Markets, Regulation, and Information, 72 *Georgetown L.J.* 601(1984) (with Elinor Schroeder)

Political and Judicial Review of Agency Action, 60 *Texas L. Rev.* 1175 (1982) (with Richard Pierce)

Public Regulation of DNA Gene Therapy, 3 *J. Legal Medicine* 185 (1982) (with Tom McGarity)

The Trade Secret Status of Health and Safety Testing Information: Reforming Agency Disclosure Policies, 93 *Harv. L. Rev.* 837 (1980) (with Tom McGarity), reprinted in part in *International Library of Essays in Law & Legal Theory* (2d Series 2001).

Rethinking Kansas Administrative Procedure, 28 *Kansas L. Rev.* 419 (1980) (with Marilyn Ainsworth)

Limiting Physician Freedom to Prescribe a Drug for Any Purpose: The Need for FDA Regulation, 73 *Northwestern L. Rev.* 801 (1978)

Divorcing Profit Motivation From New Drug Research: A Consideration of Proposals to Provide FDA with More Reliable Test Data, 1978 *Duke L.J.* 154; reprinted in part in *Public Health & the Law: Issues and Trends* 389 (L. Hogue ed. 1980)

Abstention and Primary Jurisdiction: Two Chips Off the Same Block? -- A Comparative Analysis, 60 *Cornell L. Rev.* 75 (1974)

## **BOOK CHAPTERS**

Regulatory Capture and the Future of Financial Regulation, in *Regulation and the Global Financial Crisis* (Routledge, forthcoming 2020).

Public Law and Climate Disasters: Occupational Health and Safety Law, in *Climate Disaster Law: Barriers and Opportunities* (Robert Verchick & Rosemary Lyster eds. 2018) (with Katie Tracy)

Procedural Issues and Judicial Review, in *Occupational Safety & Health Law* ch. 15 (Gregory N. Dale & P. Matthew Shutz eds. 2013)

Depoliticizing Judicial Review in Administrative Law: Three Impossible Ways Forward, in *Global Law and Administrative Law* (Russel Weaver & Francois Lichere eds. 2011)

The Necessity of Procedural Reform, in *Beyond Environmental Law: Policy Proposals for a Better Environmental Future* 37 (Alyson C. Lounoy & David M. Driesen eds. 2010) (Cambridge Press)

Occupational Safety and Health, in *Labor and Employment Law and Economics* (Kenneth G. Dau-Schmidt, Seth D. Harris & Orly Lobel eds. 2009) (Edward Elgar Publishing)

Transparency & Data Protection in the EU, in *Administrative Law in the EU* (George A. Bermann, Charles H. Koch, Jr. & James T. O'Reilly eds. 2008).

Peer Review in Regulatory Science, in *Rescuing Science from Politics* (Rena Steinzor & Wendy Wagner eds. 2006)

Procedural Issues and Judicial Review, in *Occupational Safety & Health Law* 149 (Randy Rabinowitz ed., 2008 Cumulative Supplement)

Procedural Issues and Judicial Review, in *Occupational Safety & Health Law* 477 (Randy Rabinowitz ed., 2d ed. 2002)

Regulatory Initiatives, in *Developments in Administrative Law and Regulatory Practice* 2000-2001 (Jeffrey S. Lubbers ed., 2002)

Regulatory Initiatives, in *Developments in Administrative Law and Regulatory Practice* 1999-2000 (Jeffrey S. Lubbers ed., 2001)

Regulatory Initiatives, in *Developments in Administrative Law and Regulatory Practice* 1998-1999 (Jeffrey S. Lubbers ed., 2000)

Occupational Safety and Health Regulation, Vol. III *Encyclopedia of Law & Economics* (Boudewijn Bouckaert & Gerrit De Geest eds. 2000) (Edward Elgar Publishing), published at <http://encyclo.findlaw.com/tablebib.html>

Regulatory Alternatives, in *Blood Banking & Regulation: Procedures, Problems, and Alternatives* (Edward Dauer, ed. 1996) (National Academy Press, Washington)

## PAPER PRESENTATIONS

Populism and Environmental Law, Oxford University, United Kingdom, Nov. 15, 2019

Social Resilience and Health, Safety and Environmental Law, Center for Progressive Reform, Wake Forest Washington Center, Washington, D.C. March 23, 2018

Protecting Workers: New Approaches, Center for Progressive Reform, OSHA Bootcamp, Washington, D.C., March 16, 2018

Barriers to Regulation: North Carolina Coastal Protection Act, International Association of Landscape Architects: Americas, Climate Change & Tropical Storms, University of Florida, Gainesville, Fl., Dec. 2, 2017.

Inequality, Social Resilience, and the Green Economy, UMKC Law School, Oct. 6, 2017

Ghost Rules and the Legal Obligation to Explain Decisions, International Administrative Law Forum, Paris, France, June 21, 2017

Workshop on Rethinking Administrative Law, American University Law School, May 19, 2007

Overuse of Antibiotics in Concentrated Feeding Operations and Tort Law, Lewis & Clark Law School, Apr. 7, 2017

The Types of Capture, Congressional Briefing, Administrative Conference of the United States, Regulatory Capture in the 21s Century, March 3, 2016

Public Interest and the Information Quality Act, The State of the Information Quality Act Teleforum, Administrative Law Section, American Bar Association, Feb. 26, 2016

Hard Look Review and Rulemaking Ossification, Administrative Law Section, American Bar Association, Fall Meeting, Washington, DC, Oct. 30, 2015

Remand Without Vacation and Hard Look Review, Administrative Law Discussion Forum, University of Luxembourg Law School, Luxembourg City, Luxembourg, July 1-2, 2015

Constraining White House Political Control of Agency Rulemaking Through the Duty of Reasoned Explanation, American Bar Association, Section of Administrative Law & Regulatory Practice, Fall Conference, Washington, D.C., Oct. 17, 2014

Taking Both Public Administration and Doctrine Seriously in Administrative Law, Public Law Conference: Process and Substance in Public Law, September 16, 2014, Cambridge University, Cambridge, England

Governing the United States: Political Discourse, Democracy, and Capitalism, 5th Biennial ECPR Standing Group for Regulatory Governance Conference, Barcelona Spain, June 27, 2014 (with Joe Tomain)

How We Think and Learn: Implications for Expertise, Workshop on Expert Public Administration, Public Life, and the Search for Legitimacy, Rothermere American Institute, Oxford University, Oxford, England, May 9, 2014

Administrative Law Paradigms, Environmental Law Discussion Series, Oxford University, Oxford, England, May 6, 2014.

Dying at Work: Political Discourse & Occupational Safety and Health, Wake Forest University Law School, Law Review Symposium, April 11, 2014.

When Should (Can) Administrative Law Limit Politics?: Using Reasoned Explanations to Police Centralized Review of Rulemaking, Administrative Law Discussion Forum, University of Louisville School of Law, Louisville, Kentucky, Dec. 4, 2013

Is Administrative Law The Enemy of the State?, South East American Law School Association (SEALS), Annual Meeting, Palm Beach, August 6, 2013

Regulatory Reform The Wrong Way, U.S. Congress, House of Representatives, Policy Briefing, Washington, D.C., June 25, 2013

Noise Regulation, National Webinar, School of Public Health, Michigan State University, June 20, 2013

Freedom To Harm, University of Texas Law School, Austin, Texas Apr. 29, 2013

36th Annual Foulston Siefkin Lecture, A Rethinking Administrative Law: The Institutions of Public Law, Washburn University School of Law, Monday – April 15, 2013

Pragmatism and The Regulatory State, University of Kansas School of Law, Lawrence, Kansas, Apr. 4, 2013

Administrative Constitutionalism: Two Views, American Bar Association, Section of Administrative Law & Regulatory Practice, Fall Conference, Washington, D.C., Oct. 25, 2012

A Pragmatic Perspective on Democracy and Regulation, at the Fourth Biennial Conference of the European Consortium on Political Research, Standing Group on Regulatory Governance, Conference on New Perspectives on Regulation, Governance and Learning, University of Exeter, Exeter, United Kingdom, June 27, 2012

Public Participation Without a Public: The Challenge for Administrative Policymaking, at the Administrative Law Discussion Forum, University of Luxembourg Law School, Luxembourg City, Luxembourg, June 5-6, 2012

The Sources of Change in Administrative Procedure, Law, Policy and Politics, at Université de Poitiers, Le Droit américain contemporain: Identité, Mutations et Débats, Paris, France, June 1, 2012

Regulatory Science in Regulation and Tort: Unifying The Weight of the Evidence Approach, at the Wake Forest Law and Policy Journal Symposium, Implications of Toxic Tort Case: *Milward v. Acuity Products*, Washington, D.C., May 17, 2012

The Enlightenment of Administrative Law: Looking Inside the Agency for Legitimacy, at the Wake Forest Law Review Symposium, The Asymmetry of Administrative Law: The Lack of Public Participation and the Public Interest, Winston-Salem, N.C., March 30, 2012

A Pragmatic Perspective on Democracy and Regulation, University of Tel Aviv, Faculty Paper Series, Tel Aviv, Israel, March 19, 2012

A Pragmatic Perspective on Democracy and Regulation, Environmental Discussion Group, Oxford, University, Oxford, England, February 28, 2012

A Pragmatic Perspective on Democracy and Regulation, Regulation Discussion Group, Centre for Socio-Legal Studies, Oxford University, Oxford, England, February 15, 2012.

A Pragmatic Perspective on Democracy and Regulation, University of Leeds Law School, Leeds, England, February 14, 2012

Administrative Law and Regulatory Practice Section, American Bar Association, Wrong Problem, Wrong Solution, Washington, DC, November 17, 2011.

Senate Democratic Staff, Briefing: Legislation and Reform of the Administrative Procedure Act, Oct. 26, 2011, Washington, D.C.

Administrative Conference of the United States, Staff Brown Bag Lunch, Administrative Law Inside-Out, Washington, D.C. June 29, 2011

Roger Williams Law School, Regulatory Capture, Symposium on the Blowout: Legal Legacy of the Deepwater Horizon Catastrophe, Bristol, RI, April 13, 2011

OSHA Subcommittee, Section of Labor Law, American Bar Association, Spring Meeting, OSHA's Noise Standard: An Administrative Law Test, New Orleans, LA., March 16, 2011

Section of Administrative Law & Regulatory Practice, American Bar Association, Fall Meeting, Depoliticizing Judicial Review, November 5, 2010

Carodoza Law School Symposium, Paul Verkuil and Pragmatic Adjustment in Government, Oct. 18, 2010, New York, N.Y.

Section of Administrative Law & Regulatory Practice, American Bar Association, Brown Bag CLE, Data Quality Act, Oct. 13, 2010, Washington, D.C.

New York University Environmental Law Journal, Symposium, Cost-Benefit Analysis: An Organizational Design Perspective, March 12, 2010, New York, NY

National Association of Environmental Law Societies (NAELS), Annual Meeting, Loyola University – New Orleans School of Law, Climate Change: Law, Science, and Politics, March 6, 2010, New Orleans, LA

University of Miami School of Law, Symposium, Administrative Law Inside Out, Jan. 30, 2010, Miami, FL.

American Association of Law Schools (AALS), Administrative Law Section, Panelist, What's New in Administrative Law?, Jan. 9, 2010, New Orleans, LA.

Administrative Law and Regulatory Practice Section, American Bar Association, OIRA Review: Something Old, Something New?, October 23, 2009, Washington, D.C.

Administrative Law Institute, Administrative Law and Regulatory Practice Section, American Bar Association, OIRA Oversight in the Obama Administration, June 10, 2009, Washington, D.C.

Padua University, The Fiscal Crisis and American Political Values, June, 2009, Padua, Italy

American Bar Association, *Regulatory Metrics*, Administrative Law & Regulatory Practice Section, October, 2008, Washington, D.C.

Duke University, *The Bush Administration and Science: Lessons Learned*, October, 2008, Durham, N.C.

American Bar Association, *Regulatory Impact Assessment in the United States and in the European Union*, International Law Section, September, 2008, Brussels, Belgium

University of Montpellier, *Eight Things Americans Can't Figure Out About Controlling Administrative Power*, Comparative Administrative Law Conference, May, 2008, Montpellier, France (with Richard Murphy)

Padua University, *George Bush and the Politicization of American Administrative Law*, June, 2008, Padua, Italy

American Bar Association, *An Alternative to Cost-Benefit Analysis*, Administrative Law & Regulatory Practice Section, July, 2007, San Francisco, California

Lewis & Clark University, *OMB and the Politicization of Science*, April, 2007, Portland, Oregon

American Bar Association, *Federal Preemption of State Tort Remedies*, Administrative Law & Regulatory Practice Section, February 2007, Miami, Florida

American University, *Judicial Review of Information Quality Act*, May, 2006, Washington, DC.

American Bar Association, Administrative Law & Regulatory Practice Section, *OMB's Risk Assessment Guidelines*, April, 2006, Hamilton, Bermuda

Boston University Law School, *Owning Standards: Private Standards, Government Regulation, and the New Governance*, Boston, Massachusetts, March, 2006.

American Bar Association, Administrative Law & Regulatory Practice Section, *OMB's Guidelines for Peer Review*, February, 2005, Washington, D.C.

North Carolina Academy of Trial Lawyers, *The Last Progressive Force in America*, Asheville, N.C., October, 2005

National Academy of Sciences, *Integration of Peer Review Mechanisms with the Requirements of the Federal Advisory Committee Act and the Administrative Procedure Act*, Washington, D.C., November, 2004

Institute Of Law and Economic Policy, *Outsourcing Regulation*, San Diego, California, April 2003

William and Mary School of Law, *Data Quality and Environmental Protection: The Perils of Regulatory Reform By Appropriations Rider*, Williamsburgh, Virginia., April 2003

Administrative Law and Regulatory Practice Section, *Rulemaking and the Data Quality Act*, Washington, D.C., October 2002.

University of Limerick, Limerick, Ireland, *Trade Agreements, International Regulatory Standards, and Public Accountability*, April 2002.

University of Arkansas School of Law, *Developing A Scholarly Persona: An Institutional Perspective*, Fayetteville, Arkansas, April, 2002

Society for Risk Analysis, *Harmonization of Risk Regulation: Decision Pathways and Public Accountability*, Seattle, Washington, December 2002.

Hall Center for the Humanities, Faculty Seminar, University of Kansas, *International Regulatory Standards, and Public Accountability*, November 2001.

Discussion Club, University of Kansas, *International Regulatory Standards, and Public Accountability*, November 2001.

Administrative Law and Regulatory Practice Section, American Bar Association, *Global Regulatory Standards: Decision Pathways and Public Accountability*, Sanibel Island, Florida, April, 2001

U.S./European Biotechnology Initiative Workshop, *Regulation and Political Culture*, Florence, Italy, Dec. 2000

Annual Meeting of the OSHA Committee of the Labor Law Section of the American Bar Association, *Judicial Review Issues*, Laguna Beach, California, March 2000.

Annual Meeting of the Western Economics Association, *Regulatory Risks, Goals and Instruments*, San Diego, California, July, 1999

Annual Meeting of the OSHA Committee of the Labor Law Section of the American Bar Association, *Judicial Review Issues of Regulatory Compliance*, Miami, Florida, February, 1999

Semi-Annual Meeting of the Risk Analysis and Policy Association (RAPA), *Pending Legislation to Establish Risk Review Procedures: Introduction*, Washington, D.C., March, 1999

Fourth Annual Conference: Managing Ergonomics in the 1990s, *Administrative Procedure and Risk Regulation: Should There Be Peer Review?*, Cincinnati, Ohio, June, 1997

American Bar Association, Section of Administrative Law & Regulatory Practice, *Priority Setting and the Review of Existing Rules*, Washington, D.C., Oct., 1995

National Academy of Sciences, Institute of Medicine Blood Safety Forum, *The Reform of Regulation*, Washington, D.C., Jan. 1995

Franklin Pierce School of Law, *The Resolution of Technological Controversies In Regulatory Agencies*, Oct. 1994



Southeastern Association of Law Schools, *The McCrate Report and Law School Clinics*, Charleston, S.C., July, 1994

National Hearing Conservation Association, *Does Noise Regulation Have A Future?*, Feb. 1994, Atlanta, Georgia

New Challenges in Occupational Health, *Conference Summary*, March 1993, Houston, Texas

Labor and Employment Law Committee, Administrative Law Section, American Bar Association, *Generic Rulemaking and the Occupational Safety and Health Act*, Boston, Massachusetts, Feb.1993

Acoustical Society of America, *Noise Regulation in the United States*, St. Lake City, Utah, May1992

Section of Administrative Law and Regulatory Practice, *Comments: Ossification of the Rulemaking Process*, Dallas, Texas, February, 1992

Chamber of Commerce of the United States, Luncheon Speaker Series, *Presidential Oversight of Agency Rulemaking*, Washington, D.C., May 1991

Section of Administrative Law and Regulatory Practice, American Bar Association, *Benefit-Cost Analysis*, Phoenix, Arizona, May 1991

Department of Occupational Medicine, Duke University School of Medicine, *OSHA Regulation of Toxic Chemicals*, Raleigh, N.C., Dec. 1990

American Society Safety Engineers, *The Future of OSHA*, Kansas City Chapter, Kansas City, Missouri, Oct. 1988.

Conference on OSHA Reform, General Accounting Office, *Legislative Reform of OSHA*, Washington, D.C., Sept 1988

American Industrial Hygienists Association, Heart of America *What Is Wrong With OSHA*, Chapter, Kansas City, Missouri, Sept. 1988

Administrative Law Section, American Bar Association, *Reforming Rulemaking At OSHA*, Clearwater, Florida, 1988

Occupational Safety and Health Law Subcommittee, Labor Law Section, American Bar Association, *Is Legislative Reform Necessary For OSHA?*, St. Thomas, V.I., April 1988

Administrative Law Section, American Bar Association, *The Prospects of Internal Reform At OSHA*, San Diego, California, February 1988

Kansas Trial Lawyers, *Update On Constitutional Issues: H.B. 2661 and S.B. 110*, Lake of the Ozarks, Missouri, June 1986

36th Annual Government's Industrial Safety and Health Conference, *Federal Worker and Community Right To Know Statutes*, Topeka, Kansas, November 1985

Exxon Colloquium on the Foundations of American Business, *Capitalism and Community Values: The Role of the Consumer Movement*, Lawrence, Kansas, September, 1985

American Industrial Hygiene Conference, *The Constitutionality of Required Disclosure of Trade Secrets*, Las Vegas, Nevada, May, 1985

#### CONGRESSIONAL TESTIMONY

Hearing on A Review of Regulatory Reform Proposals, Before the Senate Committee on Homeland Security and Government Operations, Sept. 16, 2015

Hearing on H.R. 3010, Regulatory Accountability Act of 2011, Before the Judicial Committee of the U.S. House of Representatives, Oct. 25, 2011

Hearing on Regulatory Impediments to Job Creation, Before Committee on Oversight and Government Reform, U.S. House of Representatives, February 10, 2011

Hearing on Protecting the Public Interest: Understanding the Threat of Agency Capture Before the Subcommittee on Administrative Oversight and the Courts of the Senate Judiciary Committee, U.S. Senate, August 3, 2010

Hearing on the Federal Advisory Committee Act of 2008 Before the Subcommittee on Information Policy, Census, and National Archives of the Committee on Oversight and Government Reform, United States House of Representatives, Apr. 2, 2008

Hearing on Impact of Regulations on U.S. Manufacturing Before the Subcommittee on Regulatory Affairs of the Committee on Government Reform, United States House of Representatives, April 12, 2005

Hearing on Regulatory Reform and Regulatory Accounting Before the Committee on Government Operations, United States Senate, April 22, 1999

Hearing on Occupational Safety and Health Reform Before the Committee on Education and Labor, United States House of Representatives, July 21, 1993.

Hearing on Occupational Safety and Health Reform Before the Committee On Labor and Human Resources and the Subcommittee on Labor, United States Senate, Oct. 29, 1991

## **FUNDED RESEARCH**

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (ACUS):

Agency Review of Existing Rules (1994)

EPA Regulation of Noise Pollution (1991)

The Regulation of Biotechnology (1990)

OSHA Rulemaking Reforms (1989)

OSHA Management of Rulemaking (1987)

Scientific Issues and The Function of Hearing Procedures (1985)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA):

Voluntary Regulatory Compliance (1999)

The Relationship of EPA and OSHA Regulation (1997)

Cooperative Enforcement Policies (1995)

OSHA Priority Setting Process (1994)

Regulatory versus Nonregulatory Priorities (1994)

OFFICE OF TECHNOLOGY ASSESSMENT (OTA):

Environmental Abatement Tools and Changing Circumstances (1994)

PROGRAM GROUP ON SOCIETY & TECHNOLOGY, JULICH, WEST GERMANY:

American Administrative Process (1985)

## **AWARDS and HONORS**

Arthur Kulp Memorial Award, American Risk and Insurance Association, Contribution to Risk Management and Insurance Literature, Sept., 1995, for *WORKERS AT RISK: THE FAILED PROMISE OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

Chair, Administrative Law Section, American Association of Law Schools (AALS) (1995)

## VISITING POSITIONS

Visiting Scholar, University College, Oxford University, Spring 2012  
Visiting Professor, University of Padua, Spring, 2009  
Visiting Scholar, School of Public and Environmental Affairs, University of Indiana, 1998-99  
Visiting Professor of Law, Lewis & Clark, Summer 1995  
Visiting Professor of Law, Lewis & Clark Law School, Summer 1993  
Visiting Professor of Law, University of North Carolina, 1990-91  
Humanities Fellow, Freedom's Soil II Project, Hall Center for the Humanities, 1986-87  
Exxon Fellow, Foundations of American Business Colloquium, University of Kansas, Fall, 1985  
Visiting Professor of Law, Georgetown University, Summer, 1984, 1980  
Fellowship, Economics Institute for Law Professors, Dartmouth College, Summer, 1983, sponsored by the Law and Economics Center, Emory University  
Visiting Professor of Law, University of Texas, 1981-82  
Consultant, Department of Health, Education, and Welfare, Secretary's Review Panel on New Drug Regulation, 1976-77

## EDUCATION

University of Pennsylvania Law School Philadelphia, Pennsylvania Degree: J.D. (May 1973)	Honors: Graduated <u>Cum Laude</u> ; Editor, University of Pennsylvania Law Review; Class Standing: Top 10%
Wharton School of Finance and Commerce University of Pennsylvania Philadelphia, Pennsylvania Degree: B.S. Economics (May 1970)	Honors: Graduated <u>Cum Laude</u> ; Dean's List (All Semesters); Beta Gamma Sigma (Business Honorary)

## EMPLOYMENT

WAKE FOREST UNIVERSITY	
Frank U. Fletcher Chair of Administrative Law	2015-present
University Distinguished Chair	2004-2014
Associate Dean for Research and Development	2007-2010
UNIVERSITY OF KANSAS	
John M. Rounds Professor of Law	1988-2004
Associate Dean for Research	1999-2004
Professor of Law	1982-1988
Associate Professor of Law	1976-1980
DEPARTMENT OF HEALTH, EDUCATION & WELFARE (HEW)	
Deputy Legal Counsel, Secretary's Review Panel on New Drug Regulation	1975-76

FEDERAL TRADE COMMISSION  
Trial Attorney, Bureau of Competition

1973-1975

PEPPER, HAMILTON & SHEETZ  
Summer Associate

Summer, 1972

**COURSES**

Administrative Law, Regulatory Law and Policy, College First Year Seminar