

Cary Coglianese (*Chair*) is the Edward B. Shils Professor of Law and a professor of political science at the University of Pennsylvania. He currently serves as the founding director of the Penn Program on Regulation and previously served as the deputy dean for academic affairs at the University of Pennsylvania Carey Law School. He specializes in the study of administrative law and regulatory processes, with an emphasis on the empirical evaluation of alternative processes and strategies and the role of public participation, technology, and business–government relations in policy making. He served as a faculty member at Harvard University’s John F. Kennedy School of Government from 1994 to 2006, where he founded and chaired the Regulatory Policy Program and was an affiliated scholar at the Harvard Law School. He also served as a visiting law professor at Stanford University and Vanderbilt University. He currently serves as the co-chair of the regulatory policy committee of the American Bar Association’s section on administrative law and is a senior fellow with the Administrative Conference of the United States, where he previously served as a public member and the chair of its committee on rulemaking. He has served as a member of the Transportation Research Board’s (TRB’s) Committee for a Study of Performance-Based Safety Regulation, as well as the TRB’s Committee for the Review and Update of the Bureau of Safety and Environmental Enforcement’s Offshore Oil and Gas Operations Inspection Program. He has published several books, including *Achieving Regulatory Excellence*, *Import Safety: Regulatory Governance in the Global Economy* and *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance*. He has also published numerous articles on climate change policy, public participation and transparency in federal rulemaking, the use of artificial intelligence by government agencies, and voluntary environmental programs. He holds a Ph.D. in political science, a master’s degree in public policy, and a J.D. from the University of Michigan.

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EDUCATION

Ph.D. (Political Science), University of Michigan, 1994
J.D. (Law), University of Michigan, 1991
M.P.P. (Public Policy), University of Michigan, 1991
A.B. (Philosophy and Political Science), The College of Idaho, 1985

ACADEMIC APPOINTMENTS

University of Pennsylvania, Philadelphia, Pennsylvania

Edward B. Shils Professor of Law, University of Pennsylvania Law School, 2006-
Professor of Political Science, College of Arts and Sciences, 2006-
Director, Penn Program on Regulation, 2006-
Deputy Dean for Academic Affairs, 2009-2010
Associate Dean for Academic Affairs, 2008-2009
Research Fellow, Wharton School Risk Center, 2006-2022
Faculty, Fels Institute of Government, 2006-2009, 2015-2019
Faculty Affiliate, Warren Center for Network and Data Sciences, 2017-

Harvard University, Cambridge, Massachusetts

Senior Research Fellow, Center for Business and Government, 2006-2007
Chair, Regulatory Policy Program, Center for Business and Government, 2000-2006
Associate Professor of Public Policy, John F. Kennedy School of Government, 1998-2006
Director, Politics Research Group, 1995-2006
Affiliated Scholar, Harvard Law School, 1994-2006
Assistant Professor of Public Policy, John F. Kennedy School of Government, 1994-98

Vanderbilt University, Nashville, Tennessee

Visiting Professor of Law, Vanderbilt Law School, 2005

University of Pennsylvania, Philadelphia, Pennsylvania

Visiting Professor of Law, University of Pennsylvania Law School, 2005

Stanford University, Stanford, California

Visiting Professor of Law, Stanford Law School, 2004

PUBLICATIONS

Books

The Regulator's Handbook (Brookings Institution Press, forthcoming)

Who Wins, Who Loses: Inequality and the Distribution of Regulatory Impacts (Brookings Institution Press, forthcoming)

Regulating for a Better Tomorrow (Edward Elgar, forthcoming)

Achieving Regulatory Excellence (Brookings Institution Press, 2017)

Does Regulation Kill Jobs? (University of Pennsylvania Press, 2013) (with Adam M. Finkel and Christopher Carrigan)

Regulatory Breakdown: The Crisis of Confidence in U.S. Regulation (University of Pennsylvania Press, 2012)

Import Safety: Regulatory Governance in the Global Economy (University of Pennsylvania Press, 2009) (with Adam Finkel and David Zaring)

Regulation and Regulatory Processes (Ashgate, 2007) (with Robert A. Kagan)

Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance (Johns Hopkins University Press/Resources for the Future Press, 2006) (with Jennifer Nash)

Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals? (Johns Hopkins University Press/Resources for the Future Press, 2001) (with Jennifer Nash)

Articles and Chapters

"Influence by Intimidation: Business Lobbying in the Regulatory Process," *Journal of Law, Economics, and Organization* (forthcoming) (with Alex Acs)

"Measuring Regulatory Performance," *Journal of Law and Public Affairs* (forthcoming)

"Antipolitics and the Administrative State," *Common Knowledge* (forthcoming) (with Daniel E. Walters)

"Disclosure of Agency Legal Materials," *Michigan Journal of Environmental and Administrative Law* (forthcoming) (with Bernard W. Bell, Michael Herz, Margaret B. Kwoka & Orly Lobel)

"Public Participation and Environmental Regulation: Continuities, Changes, and Challenges," *Journal of Law and Public Affairs* (forthcoming)

"Assessing Regulatory Excellence," in Abha Yadav, ed., *Regulatory Governance: Learning, Challenges, and Way Forward* (Taylor & Francis, forthcoming)

"Private Codes and Standards," in Krista Nadakavukaren and Thomas Cottier, eds., *Encyclopedia of International Economic Law* (Edward Elgar, forthcoming)

- “Rule Design: Defining the Regulator–Regulatee Relationship,” in Jean-Christophe Le Coze & Benoît Journé, eds., *The Regulator–Regulatee Relationship in High-Hazard Industry Sectors: New Actors and New Viewpoints in a Conservative Landscape* (Springer, forthcoming)
- “Assessing Automated Administration,” in Justin Bullock et al., eds., *Oxford Handbook of AI Governance* (forthcoming) (with Alicia Lai)
- “Standards and the Law,” *Standardization: Journal of Research and Innovation* 2:15-20 (2023)
- “Solving the Congressional Review Act’s Conundrum,” *Administrative Law Review* 75:79-103 (2023)
- “Regulating Machine Learning: The Challenge of Heterogeneity,” *TechReg Chronicle* 17-27 (February 2023)
- “From Negative to Positive Algorithm Rights,” *William & Mary Bill of Rights Journal* 30:883-923 (2022) (with Kat Hefter)
- “Managing Regulatory Institutions,” in Martino Maggetti, Fabrizio Di Mascio, Alessandro Natalini, eds., *The Handbook on Regulatory Authorities* (Edward Elgar, 2022)
- “Building Better Compliance,” *Texas Law Review Online* 100:192-214 (2022)
- “Pandemic Federalism,” *Wayne Law Review* 68:1-29 (2022)
- “Administrative Law: Governing Economic and Social Governance,” in Jonathan H. Hamilton, et al., eds., *Oxford Research Encyclopedia of Economics and Finance* (Oxford University Press, 2022)
- “Algorithm vs. Algorithm,” *Duke Law Journal* 72:1281-1340 (2022) (with Alicia Lai)
- “Antitrust by Algorithm,” *Stanford Journal of Computational Antitrust* 2:1-22 (2022) (with Alicia Lai)
- “Moving Toward Personalized Law,” *University of Chicago Law Review Online* (2022)
- “Algorithmic Administrative Justice,” in Marc Hertogh, Richard Kirkham, Robert Thomas and Joe Tomlinson, eds., *The Oxford Handbook of Administrative Justice* 481-502 (Oxford University Press, 2022) (with Steven M. Appel)
- “AI in Adjudication and Administration,” *Brooklyn Law Review* 86: 791-838 (2021) (with Lavi Ben Dor)
- “Regulating New Tech: Problems, Pathways, and People,” *TechReg Chronicle* 65-73 (December 2021)
- “Uncovering Agencies’ Hidden Unrules,” *Administrative & Regulatory Law News* 47: 5-7 (2021) (with Gabriel Scheffler and Daniel E. Walters)
- “Procurement as AI Governance,” *IEEE Transactions on Technology & Society* 2: 192-199 (2021) (with Lavi Ben Dor)
- “Compliance Management Systems: Do They Make a Difference?,” in D. Daniel Sokol & Benjamin van Rooij, eds., *Cambridge Handbook of Compliance* 571-593 (Cambridge University Press, 2021) (with Jennifer Nash)

- “Administrative Law in the Automated State,” *Dædalus* 150(3): 104-120 (2021)
- Translated into Chinese and published in *Fazhi Shehui* 47-57 (2022)
 - Modified version reprinted in Zofia Bednarz & Monika Zalnieriute, eds., *Money, Power and AI: From Automated Banks to Automated States* (forthcoming 2023)
- “Unrules,” *Stanford Law Review* 73:885-967 (2021) (with Gabriel Scheffler and Daniel E. Walters)
- “What Regulators Can Learn from Global Health Governance,” *Global Health Governance* 16:14-33 (2021)
- “Contracting for Algorithmic Accountability,” *Administrative Law Review Accord* 6:175-199 (2021) (with Erik Lampmann)
- “Algorithmic Regulation: Machine Learning as Governance Tool,” in Marc Schuilenburg & Rik Peeters, eds., *The Algorithmic Society: Power, Knowledge and Technology in the Age of Algorithms* 35-52 (Routledge, 2021)
- Translated into Chinese and published in the *Huxiang Law Review* 2:148-160 (2022)
- “Administrative Law in a Time of Crisis: Comparing National Responses to COVID-19,” *Administrative Law Review* 73:1-18 (2021) (with Neysun A. Mahboubi)
- Translated into Turkish and published in the *Ankara Hacı Bayram Veli University Faculty of Law Review* 26:743-771 (2022)
- “Algorithmic Governance and Administrative Law,” in Woodrow Barfield, ed., *Cambridge Handbook on the Law of Algorithms: Human Rights, Intellectual Property, Government Regulation* 162-181 (Cambridge University Press, 2021) (with Steven M. Appel)
- “Environmental Soft Law as a Governance Strategy,” *Jurimetrics* 61:19-51 (2020)
- “Law as Scapegoat,” in Maria De Benedetto, Nicola Lupo & Nicoletta Rangone, eds., *The Crisis of Confidence in Legislation* 337-365 (Hart/Nomos, 2020)
- “Social Science and the Analysis of Environmental Policy,” *Review of Policy Research* 37:573-604 (2020) (with Shana Starobin)
- “Litigating EPA Rules: A Fifty-Year Retrospective of Environmental Rulemaking in the Courts,” *Case Western Reserve Law Review* 70:1007-1037 (2020) (with Daniel E. Walters)
- “Whither the Regulatory ‘War on Coal’? Scapegoats, Savors, and Stock Market Reactions,” *Ecology Law Quarterly* 47:1-72 (2020) (with Daniel E. Walters)
- “Illuminating Regulatory Guidance,” *Michigan Journal of Environmental and Administrative Law* 9:243-318 (2020)
- “Management-Based Regulation,” in Kenneth R. Richards and Josephine van Zeben, eds., *Policy Instruments in Environmental Law* 292-307 (Edward Elgar, 2020) (with Shana Starobin)
- “Dimensions of Delegation,” *University of Pennsylvania Law Review* 167:1849-1889 (2019)
- Translated into Portuguese and published in *Revista de Direito Administraivo* 279:79-112 (2020)

- “Pledging, Populism, and the Paris Agreement: The Paradox of a Management-Based Approach to Global Governance,” *Maryland Journal of International Law* 34:141-182 (2019)
- “Deploying Machine Learning for a Sustainable Future,” in Daniel Esty, ed., *A Better Planet: Forty Big Ideas for a Sustainable Future* 200-208 (Yale University Press, 2019)
- “Getting the Blend Right: Public-Private Partnerships in Risk Management,” in Howard Kunreuther, Robert J. Meyer, and Erwann O. Michel-Kerjan, eds., *The Future of Risk Management* 325-343 (University of Pennsylvania Press, 2019)
- “Private Standards and the Benzene Case: A Teaching Guide,” *Administrative Law Review* 71:353-390 (2019) (with Gabriel Scheffler)
- “Transparency and Algorithmic Governance,” *Administrative Law Review* 71:1-56 (2019) (with David Lehr)
- “Optimizing Regulation for an Optimizing Economy,” *University of Pennsylvania Journal of Law and Public Affairs* 4:1-13 (2018)
- “The Contribution of the Social Sciences to Policy and Institutional Change,” in International Panel on Social Progress, *Rethinking Society for the 21st Century*, 3:843-882 (Cambridge University Press, 2018) (with ten co-authors)
- “Improving Regulatory Analysis at Independent Agencies,” *American University Law Review* 67:733-767 (2018)
- Translated into Portuguese and published in *Revista de Direito Administraivo* 277:15-47 (2018)
- “Chevron’s Interstitial Steps,” *George Washington Law Review* 85:1339-1391 (2017)
- “What Congress’s Repeal Efforts Can Teach Us About Regulatory Reform,” *Administrative Law Review Accord* 3:43-56 (2017) (with Gabriel Scheffler)
- “Style Matters: On the Role of Pattern Analysis in the Study of Regulation,” in Thomas F. Burke and Jeb Barnes, eds., *Varieties of Legal Order: The Politics of Adversarial and Bureaucratic Legalism* 178-191 (Routledge, 2017)
- “Improving the Administrative State with Machine Learning,” *Administrative & Regulatory Law News* 42:7-9 (2017) (with David Lehr)
- “Regulating by Robot: Administrative Decision-Making in the Machine Learning Era,” *Georgetown Law Journal* 105:1147-1223 (2017) (with David Lehr)
- “The Emptiness of Decisional Limits: Reconceiving Presidential Control of the Administrative State,” *Administrative Law Review* 69:43-82 (2017)
- “The Law of the Test: Performance-Based Regulation and Diesel Emissions Control,” *Yale Journal on Regulation* 34:33-90 (2017) (with Jennifer Nash)
- “Risk and Regulatory Calibration: WTO Compliance Review of the U.S. Dolphin-Safe Tuna Labeling Regime,” *World Trade Review* 16:327-348 (2017) (with André Sapir)
- “The Limits of Performance-Based Regulation,” *University of Michigan Journal of Law Reform* 50:525-563 (2017)

- “The Challenge of Regulatory Excellence,” in Cary Coglianese, ed., *Achieving Regulatory Excellence* 1-19 (Brookings Institution Press, 2017)
- “Insurance and the Excellent Regulator,” in Cary Coglianese, ed., *Achieving Regulatory Excellence* 238-254 (Brookings Institution Press, 2017) (with Howard Kunreuther)
- “Measuring Regulatory Excellence” in Cary Coglianese, ed., *Achieving Regulatory Excellence* 291-307 (Brookings Institution Press, 2017)
- “Is Government Really Broken?” *University of Pennsylvania Journal of Law and Public Affairs* 1:68-96 (2016)
- “Separation of Powers Legitimacy: An Empirical Inquiry into Norms About Executive Power,” *University of Pennsylvania Law Review* 164:1869-1910 (2016) (with Kristin Firth)
- “The Bounds of Executive Discretion in the Regulatory State,” *University of Pennsylvania Law Review* 164:1587-1606 (2016) (with Christopher Yoo)
- “Motivating without Mandates? The Role of Voluntary Programs in Environmental Governance” in Lee Paddock, Robert L. Glicksman, and Nicholas S. Bryner, eds., *Decision Making in Environmental Law* 237-252 (Edward Elgar 2016) (with Jennifer Nash)
- “Performance-Based Regulation: Concepts and Challenges,” in Francesca Bignami and David Zaring, eds., *Comparative Law and Regulation: Understanding the Global Regulatory Process* 403-429 (2016)
- “Agenda-Setting in the Regulatory State: Theory and Evidence,” *Administrative Law Review* 68:865-890 (2016) (with Daniel E. Walters)
- “Optimizing Government for an Optimizing Economy,” in Dane Stangler, ed., *New Entrepreneurial Growth Agenda* (Ewing Marion Kauffman Foundation, 2016)
- “Using Public Law to Shape Private Organizations,” in Austin Sarat and Patricia Ewick, eds., *The Handbook of Law and Society* 168-192 (Wiley-Blackwell, 2015) (with Jennifer Nash)
- “Administrative Law: The U.S. and Beyond,” in James D. Wright, ed., *International Encyclopedia of Social and Behavioral Sciences*, 2d ed. (Elsevier, 2015)
- “Stigler’s ‘The Theory of Economic Regulation,’” in Steven Balla, Martin Lodge and Edward Page, eds., *Oxford Handbook of the Classics of Public Policy* (2015) (with Christopher Carrigan)
- “Performance Track’s Postmortem: Lessons from the Rise and Fall of EPA’s ‘Flagship’ Voluntary Program,” *Harvard Environmental Law Review* 38:1-86 (2014) (with Jennifer Nash)
- Reviewed by Eric Biber, “Do Voluntary Compliance Programs Really Improve Environmental Law?,” *Jotwell.com* (April 28, 2015)
- “The Jobs and Regulation Debate,” in Cary Coglianese, Adam Finkel and Christopher Carrigan, eds., *Does Regulation Kill Jobs?* 1-30 (University of Pennsylvania Press, 2013) (with Christopher Carrigan)
- “Moving Forward with Regulatory Lookback,” *Yale Journal on Regulation* (online) 30:57-66 (June 8, 2013)
- Translated into Portuguese and reprinted in *Revista de Direito Administraivo* 275:13-23 (2017)
- “Thinking Ahead, Looking Back: Assessing the Value of Regulatory Impact Analysis and Procedures for its Use,” *KLRI Journal of Law and Legislation* 3:5-27 (2013)

- Edited and reprinted in *Legislative Impact Assessment for Regulatory Reform: Achievements and Prospects* 13-38 (Korea Legislation Research Institute, 2013)
- “Oversight in Hindsight: Assessing the U.S. Regulatory System in the Wake of Calamity,” in Cary Coglianese, ed., *Regulatory Breakdown: The Crisis of Confidence in U.S. Regulation* 1-20 (University of Pennsylvania Press, 2012) (with Chris Carrigan)
- “Enhancing Public Access to Online Rulemaking Information,” *Michigan Journal of Environmental and Administrative Law* 2:1-66 (2012)
- Selected as one of the best articles in environmental law by the Environmental Law Institute’s and Vanderbilt University Law School’s *Environmental Law and Policy Annual Review*, with abridged version reprinted as “A Truly ‘Top Task’: Rulemaking and Its Accessibility on Agency Websites,” *Environmental Law Reporter* 44:10660-10666 (2014)
- “Flexible Approaches to Environmental Regulation,” in Michael Kraft and Sheldon Kamieniecki, eds., *The Oxford Handbook of U.S. Environmental Policy* (2012) (with Lori S. Benneer)
- “Beyond Compliance: Explaining Business Participation in Voluntary Environmental Programs,” in Vibeke Lehmann Nielsen and Christine Parker, eds., *Explaining Compliance: Business Responses to Regulation* (2011) (with Jonathan Borck)
- “Business and Environmental Law,” in Tima Bansal and Andrew J. Hoffman, *The Oxford Handbook of Business and the Environment* (2011) (with Ryan Anderson)
- “The Law and Economics of Risk Regulation,” in James J. Cochran, ed., *Wiley Encyclopedia of Operations Research and Management Science* (2011)
- “The Politics of Regulation: From New Institutionalism to New Governance,” *Annual Review of Political Science* 107-129 (2011) (with Chris Carrigan)
- “Environmental Regulation,” in Peter Cane and Herbert M. Kritzer, eds., *The Oxford Handbook on Empirical Legal Studies* (Oxford University Press, 2010) (with Catherine Courcy)
- “Meta-Regulation and Self-Regulation,” in Martin Cave, Robert Baldwin, and Martin Lodge, *The Oxford Handbook of Regulation* 146-168 (2010) (with Evan Mendelson)
- “Import Safety: Consumer Protection in a Global Marketplace,” *Administrative & Regulatory Law News*, 35(3): 5-7 (Spring 2010) (with David Zaring and Adam Finkel)
- “Management-Based Regulation: Implications for Public Policy,” in Gregory Bounds and Nikolai Malyshev, eds., *Risk and Regulatory Policy: Improving the Governance of Risk* (OECD Publishing, 2010)
- “Presidential Control of Administrative Agencies: A Debate over Law or Politics?,” *Journal of Constitutional Law* 12:637-649 (2010)
- “Engaging Business in the Regulation of Nanotechnology,” in Christopher J. Bosso, ed., *Governing Uncertainty: Environmental Regulation in the Age of Nanotechnology: Confronting Conditions of Uncertainty* (Resources for the Future Press, 2010)
- “Consumer Protection in an Era of Globalization,” in Cary Coglianese, Adam Finkel and David Zaring, eds., *Import Safety: Regulatory Governance in the Global Economy* (University of Pennsylvania Press, 2009) (with Adam Finkel and David Zaring)

- “Delegated Governance: Consumer Safety in the Global Marketplace,” in Cary Coglianese, Adam Finkel and David Zaring, eds., *Import Safety: Regulatory Governance in the Global Economy* (University of Pennsylvania Press, 2009) (with David Zaring)
- “Government Clubs: Theory and Evidence from Voluntary Environmental Programs,” in Matthew Potoski and Aseem Prakash, eds., *Voluntary Programs: A Club Theory Approach* 231-258 (MIT Press, 2009) (with Jennifer Nash)
- “The Transparency President? The Obama Administration and Open Government,” *Governance* 22:529-544 (2009)
- “The Effectiveness of Voluntary Environmental Programs,” *Annual Review of Environment and Resources* 34:305-324 (2009) (with Jonathan C. Borck)
- “Transparency and Public Participation in the Federal Rulemaking Process,” *George Washington University Law Review* 77:924-972 (2009) (with Heather Kilmartin and Evan Mendelson)
- Reprinted in Peter L. Strauss, Todd D. Rakoff, Cynthia R. Farina, and Gillian E. Metzger, *Gellhorn and Byse’s Administrative Law: Cases and Comments*, 11th ed. (Foundation 2011)
- “Environmental Leadership Programs: Toward an Empirical Assessment of their Performance,” *Ecology Law Quarterly* 35:771-834 (2009) (with Jonathan Borck and Jennifer Nash)
- “The Managerial Turn in Environmental Protection,” *New York University Environmental Law Journal* 17:54-74 (2008)
- “Evaluating the Social Effects of Environmental Leadership Programs,” *Environmental Law Reporter* 38:10697-10702 (2008) (with Jonathan Borck and Jennifer Nash)
- Reprinted in L. Lakshmi, ed., *Environmental Protection: Regulatory Issues*, Hyderabad, India: The ICFAI University Press, 2008)
- “Change and Challenge in Regulation and Governance,” *Regulation & Governance* 2:381-382 (2008) (with John Braithwaite and David Levi-Faur)
- “Policymaking Under Pressure: The Perils of Incremental Responses to Climate Change,” *Connecticut Law Review* 40:1411-1430 (2008) (with Jocelyn D’Ambrosio)
- “The Rhetoric and Reality of Regulatory Reform,” *Yale Journal of Regulation* 25:85-95 (2008)
- Abridged as “Much Ado About Nothing?,” *Regulation* 10-12 (Summer 2008)
- “Constructing the License to Operate: Internal Factors and their Influence on Corporate Environmental Decisions,” *Law & Policy* 30:73-107 (2008) (with Jennifer A. Howard-Grenville and Jennifer Nash)
- “The Case Against Collaborative Environmental Law” *U. Pa. L. Rev. PENumbra* 156:295-299, 306-310 (2007)
- “Weak Democracy, Strong Information: The Role of Information Technology in the Rulemaking Process,” in Viktor Mayer-Schoenberger and David Lazer, eds., *From Electronic Government to Information Government: Governing in the 21st Century* (MIT Press, 2007)
- “Can Regulation and Governance Make a Difference?,” *Regulation & Governance* 1:1-7 (2007) (with John Braithwaite and David Levi-Faur)
- “After the Scandals: Changing Relationships in Corporate Governance,” *The ICFAI Journal of Corporate and Securities Law* 4:9-17 (2007) (with Michael L. Michael)

- “Business Interests and Information in Environmental Rulemaking,” in Michael Kraft and Sheldon Kamieniecki, eds., *Business and Environmental Policy* 185-210 (MIT Press, 2007)
- “Legitimacy and Corporate Governance,” *Delaware Journal of Corporate Law* 32:167-175 (2007)
- “Citizen Participation in Rulemaking: Past, Present, and Future,” *Duke Law Journal* 55:943-968 (2006)
- “E-Rulemaking,” in Ari-Veikko Anttiroiko and Matti Malkia, eds., *Encyclopedia of Digital Government* (Idea, 2006)
- Reprinted in Ari-Veikko Anttiroiko, *Electronic Government: Concepts, Methodologies, Tools, and Applications* (IGI Global, 2008)
- “Management-Based Strategies: An Emerging Approach to Environmental Protection,” in Cary Coglianese and Jennifer Nash, eds., *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance* 3-30 (Johns Hopkins University Press/Resources for the Future Press, 2006) (with Jennifer Nash)
- “The Promise and Performance of Management-Based Strategies,” in Cary Coglianese and Jennifer Nash, eds., *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance* 249-264 (Johns Hopkins University Press/Resources for the Future Press, 2006) (with Jennifer Nash)
- “Foreword,” in Reba A. Carruth, ed., *Global Governance of Food and Agriculture Industries* (Edward Elgar, 2006)
- “Management-Based Strategies for Improving Private-Sector Environmental Performance,” *Environmental Law Reporter* 36:10003-10016 (2006) (with Jennifer Nash)
- “Building Sector-Based Consensus: A Review of the U.S. EPA’s Common Sense Initiative,” in Theo J.N.M. de Bruijn and Vicki Norberg-Bohm, eds., *Industrial Transformation* (MIT Press, 2005) (with Laurie Allen)
- “Program Evaluation of Environmental Policies: Toward Evidence-Based Decision Making,” in National Research Council, *Social and Behavioral Science Research Priorities for Environmental Decision Making* 246-273 (National Academies Press, 2005) (with Lori Snyder Benneer)
- “Unifying Rulemaking Information: Recommendations on the New Federal Docket Management System,” *Administrative Law Review* 57:621-645 (2005) (with Stuart Shapiro and Steven J. Balla)
- “The Internet and Citizen Participation in Rulemaking,” *I/S: Journal of Law and Policy for the Information Society* 1: 33-57 (2005)
- “Measuring Progress: Program Evaluation of Environmental Policies,” *Environment* 47(2):22-40 (2005) (with Lori Snyder Benneer)
- “Seeking Truth for Power: Informational Strategy and Regulatory Policy Making,” *Minnesota Law Review* 89:277-341 (2004) (with Richard Zeckhauser and Edward Parson)
- “E-Rulemaking: Information Technology and the Regulatory Process,” *Administrative Law Review* 56:353-402 (2004)
- Reprinted in Kevin Clermont, Robert Hillman, Sheri Johnson, and Robert Summers, *Law in Society: Nature, Functions, and Limits* (Aspen, 2009)
- “Information Technology and Regulatory Policy,” *Social Science Computer Review* 22:85-91 (2004)

- “The Role of Government in Corporate Governance,” *NYU Journal of Law & Business* 1:233-251 (2004) (with Elizabeth K. Keating, Michael L. Michael and Thomas J. Healey)
- Reprinted in *The ICFAI Journal of Corporate Governance*, 5: 60-73 (2006)
- “Shifting Sands: The Limits of Science in Setting Risk Standards,” *University of Pennsylvania Law Review* 152:1255-1360 (2004) (with Gary Marchant)
- Abridged as “The EPA’s Risky Reasoning,” *Regulation* 27(2):16-22 (2004))
 - Translated into Chinese and reprinted in Jin Zining, ed., *Risk Regulation and Administrative Law* (Beijing: Law Press, 2012)
 - Excerpted in Clifford Villa et al. *Environmental Justice: Law, Policy, and Regulation*, 3d ed. (2020)
- “Does Consensus Make Common Sense? An Analysis of EPA’s Common Sense Initiative,” *Environment* 46:10-25 (January/February 2004) (with Laurie Allen)
- Response published at “Consensus on Consensus?,” *Environment* 46:14-15 (July/August 2004)
- “Performance-Based Regulation: Prospects and Limitations in Health, Safety, and Environmental Regulation,” *Administrative Law Review* 55:705-729 (2003) (with Jennifer Nash and Todd Olmstead)
- “Does Consensus Work? Pragmatism and Democracy in the Regulatory Process,” in Alfonso Morales, ed., *Renascent Pragmatism: Studies in Law and Social Science* 80-95 (Ashgate, 2003)
- “Management-Based Regulation: Prescribing Private Management to Achieve Public Goals,” *Law & Society Review* 37:691-730 (2003) (with David Lazer)
- “The Pathologies of Consensus-Building,” *American Bar Association Second Generation Issues Committee Newsletter* 3:18-23 (August 2003)
- “Is Satisfaction Success? Evaluating Public Participation in Regulatory Policy Making,” in Rosemary O’Leary and Lisa Bingham, eds., *The Promise and Performance of Environmental Conflict Resolution* 69-86 (Resources for the Future Press, 2003)
- Translated as “¿La Satisfacción de los Participantes es Sinónimo de Éxito? Una Evaluación de la Participación Pública en el Proceso de Elaboración de Reglamentos,” in *Revista Andaluza de Administración Pública* 50: 83-105 (2003)
- “Collective Silence and Individual Voice: The Logic of Information Games,” in Jac Heckelman and Dennis Coates, eds., *Collective Choice: Essays in Honor of Mancur Olson* 49-70 (Springer-Verlag, 2003) (with Edward Parson and Richard Zeckhauser)
- “Empirical Analysis and Administrative Law,” *University of Illinois Law Review* 2002:1111-1137 (2002)
- Translated into Korean and reprinted in *Conflict Resolution and Law* (2008)
- “Bounded Evaluation: Cognition, Incoherence, and Regulatory Policy,” *Stanford Law Review* 54:1217-1238 (2002)
- “Management-Based Regulatory Strategies,” in John D. Donahue and Joseph S. Nye, eds., *Market-Based Governance* 201-226 (Brookings Institution Press, 2002) (with David Lazer)
- Reprinted in Edward Balleisen, ed., *Business Regulation* (Edward Elgar, 2015)

- “Policy Options for Improving Environmental Management in the Private Sector,” *Environment* 44:10-23 (2002) (with Jennifer Nash)
- Reprinted in Nicholas A. Ashford and Charles C. Caldart, *Environmental Law, Policy, and Economics* (MIT Press, 2008)
- “Assessing the Advocacy of Negotiated Rulemaking: A Response to Philip Harter,” *New York University Environmental Law Journal* 9:386-447 (2001)
- “Social Movements, Law, and Society: The Institutionalization of the Environmental Movement,” *University of Pennsylvania Law Review* 150:85-118 (2001)
- Reprinted in Michael McCann, ed., *Law and Social Movements* (Ashgate, 2006))
- “Administrative Law,” in Paul B. Baltes and Neil J. Smelser, eds., *International Encyclopedia of Social and Behavioral Sciences* 1:85-88 (Elsevier, 2001)
- “Bolstering Private-Sector Environmental Management,” *Issues in Science and Technology* 17:69-74 (Spring 2001) (with Jennifer Nash)
- “Is Consensus an Appropriate Basis for Regulatory Policy?” in Eric Orts and Kurt Deketelaere, eds., *Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe* 93-113 (Kluwer Law International, 2001)
- “Environmental Management Systems and the New Policy Agenda,” in Cary Coglianese and Jennifer Nash, eds., *Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* 1-25 (Johns Hopkins University Press/Resources for the Future Press, 2001) (with Jennifer Nash)
- “Policies to Promote Systematic Environmental Management,” in Cary Coglianese and Jennifer Nash, eds., *Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* 181-197 (Johns Hopkins University Press/Resources for the Future Press, 2001)
- “Toward Management-Based Environmental Policy?,” in Cary Coglianese and Jennifer Nash, eds., *Regulating from the Inside: Can Environmental Management Systems Achieve Policy Goals?* 222-234 (Resources for the Future Press, 2001) (with Jennifer Nash)
- Reprinted in Nicholas A. Ashford and Charles C. Caldart, *Environmental Law, Policy, and Economics* (MIT Press, 2008)
- “Securing Subsidiarity: The Institutional Design of Federalism in the US and Europe,” in Kalypso Nicolaidis and Robert Howse, eds., *The Federal Vision: Legitimacy and Levels of Governance in the US and the EU* 277-299 (Oxford University Press, 2001) (with Kalypso Nicolaidis)
- “The Constitution and the Costs of Clean Air,” *Environment* 42:32-37 (2000)
- “Globalization and the Design of International Institutions,” in Joseph S. Nye and John D. Donahue, eds., *Governance in a Globalizing World* 297-318 (Brookings Institution Press, 2000)
- “The Limits of Consensus,” *Environment* 41:28-33 (1999)
- “Getting the Message Out: Regulatory Policy and the Press,” *Harvard International Journal of Press/Politics* 3:39-55 (1998) (with Margaret Howard)

“Implications of Liberal Neutrality for Environmental Policy,” *Environmental Ethics* 20:41-61 (1998)

“Assessing Consensus: The Promise and Performance of Negotiated Rulemaking,” *Duke Law Journal* 46:1255-1349 (1997)

- Reprinted in Bernard Schwartz and Robert L. Corrada, eds., *Administrative Law: A Casebook*, 5th ed. (Aspen Publishers, Inc., 2001)
- Reprinted in Lawrence E. Susskind and Larry Crump, *Multiparty Negotiation*, vol. 2, 318-385 (Sage 2008)

“Litigating Within Relationships: Disputes and Disturbance in the Regulatory Process,” *Law & Society Review* 30:735-765 (1996)

“Insuring Rule 11 Sanctions,” *Michigan Law Review* 88:344-85 (1989)

Monographs and Policy Reports

“Disclosure of Agency Legal Materials,” Report to the Administrative Conference of the United States (2023) (with Bernard W. Bell, Michael Herz, Margaret B. Kwoka, and Orly Lobel)

“A Framework for Governmental Use of Machine Learning,” Report to the Administrative Conference of the United States (2020)

“Deregulatory Deceptions: Reviewing the Trump Administration’s Claims About Regulatory Reform,” Penn Program on Regulation Report (2020) (with Natasha Sarin and Stuart Shapiro)

“Solving the Congressional Review Act’s Conundrum,” Comment Submitted on SEC Proposed Rule on Disclosure of Payments by Resource Extraction Issuers, File Number S7–24–19 (March 16, 2020)

“Public Availability of Agency Guidance Documents,” Report to the Administrative Conference of the United States (2019)

“Listening, Learning, and Leading: A Framework for Regulatory Excellence,” Final Report of the Best-in-Class Regulator Initiative, Penn Program on Regulation (October 2015)

“Agenda-Setting in the Regulatory State: Theory and Evidence,” Penn Program on Regulation Report (July 2015) (with Daniel E. Walters)

“Summary Report: Penn Dialogue on Regulatory Excellence,” Report from the Best-in-Class Regulator Initiative, Penn Program on Regulation (June 2015) (with Shari Shapiro)

“Summary Report: Aboriginal Dialogue on Regulatory Excellence,” Report from the Best-in-Class Regulator Initiative, Penn Program on Regulation (June 2015) (with Shari Shapiro and Harris Sokoloff)

“Summary Report: Alberta Dialogue on Regulatory Excellence,” Report from the Best-in-Class Regulator Initiative, Penn Program on Regulation (June 2015) (with Shari Shapiro)

“Listening and Learning: Toward a Framework of Regulatory Leadership,” Interim Report of the Best-in-Class Regulator Initiative, Penn Program on Regulation (March 2015)

Public Interest Comment on the *Office of Management and Budget's 2014 Draft Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities*, Docket No. OMB-2014-002 (Sept. 2, 2014) (with Christopher Carrigan and Adam Finkel)

“Regulation and Unemployment,” Wharton Public Policy Initiative Issue Brief 1(3):1-5 (March 2013) *available at* publicpolicy.wharton.upenn.edu/files/2013/04/PPI-issue-brief_vol01no03_final-1.pdf

“Environment Canada’s World Class Regulator Project: An Assessment,” Report to Environment Canada (2012), *available at* <http://www.ec.gc.ca/default.asp?lang=En&n=2EA61340>

- Translated into French as “Projet d’organisme de réglementation de calibre mondial d’Environnement Canada: Évaluation”

Comment on Incorporation by Reference Submitted to the Office of the Federal Register, Docket No. NARA-12-0002 (May 30, 2012), *available at* <https://law.resource.org/pub/us/cfr/regulations.-gov.docket.01/0900006481022903.pdf>

“Evaluating the Performance of Regulation and Regulatory Policy,” Report to the Organization for Economic Cooperation and Development (2011)

“Federal Agency Use of Electronic Media in the Rulemaking Process,” Report to the Administrative Conference of the United States (2011)

“Transparency and Public Participation in the Rulemaking Process: A Nonpartisan Presidential Task Force Report” (2008) (with Heather Kilmartin and Evan Mendelson)

“Management-Based Regulation: Implications for Public Policy,” Organization for Economic Co-operation and Development Report No. GOV/PGC/REG(2008)5 (2008)

“State and Federal Performance-Based Environmental Programs: Assessing Goals, Activities, Communication, and Data Collection,” report prepared for the U.S. Environmental Protection Agency (2008) (with Jonathan Borck and Jennifer Nash)

“Evaluating the Social Effects of Performance-Based Environmental Programs,” report prepared for the U.S. Environmental Protection Agency (2008) (with Jonathan Borck and Jennifer Nash)

“Beyond Compliance: Business Decision Making and the US EPA’s Performance Track Program,” Regulatory Policy Program Report No. RPP-10 (2006) (with Jennifer Nash)

“E-Rulemaking in the 21st Century: Issues and Themes from a Congressional Symposium,” prepared for the Committee on the Judiciary, U.S. House of Representatives (2006)

“After the Scandals: Changing Relationships in Corporate Governance,” Regulatory Policy Program Report No. RPP-09 (2006) (with Michael L. Michael)

Comments on the Federal Docket Management System, filed with the Office of Electronic Government and Information Technology and the Office of Information and Regulatory Affairs, Office of Management and Budget, November 11, 2004 (with Stuart Shapiro and Steven Balla) (filed on behalf of 58 legal scholars and social scientists)

- Reprinted as “Recommended Guidelines for the Design of the Federal Docket Management System (FDMS),” AEI-Brookings Joint Center for Regulatory Studies Publication 04-30
- Endorsed by the Section of Administrative Law and Regulatory Practice of the American Bar Association, November 16, 2004)

“Management-Based Regulation: Prescribing Private Management to Achieve Public Goals,” Regulatory Policy Program Report No. RPP-04 (2002) (*reprinted as* AEI-Brookings Joint Center for Regulatory Studies Working Paper 02-11) (with David Lazer)

“Performance-Based Regulation: Prospects and Limitations in Health, Safety, and Environmental Regulation,” Regulatory Policy Program Report No. RPP-03 (2002) (with Jennifer Nash and Todd Olmstead)

- Translated into French by the Canadian Department of Justice as “Réglementation axée sur la performance: Possibilités et limites dans les domaines de la santé, de la sécurité et de la protection de l’environnement”)

Amicus curiae brief filed with the Supreme Court of the United States in *Browner v. American Trucking Associations, Inc.*, No. 99-1257, September 11, 2000 (with Gary Marchant and filed on behalf of 20 law professors, economists, and scientists)

- Reprinted as “Principled Standard Setting Requires Consideration of More than Science,” AEI-Brookings Joint Center for Regulatory Studies Brief 00-02 (with Gary Marchant)

Op-Eds and Essays

“AI for the Antitrust Regulator,” *ProMarket* (June 6, 2023)

“Teaching About Voluntary Codes and Standards,” *IFAN Newsletter* 6-8 (May 2023) (with Erik Puskar)

“A Voluntary Coda,” *The Regulatory Review* (Aug. 29, 2022)

“Private Standards and the Benzene Case,” *The Regulatory Review* (Aug. 29, 2022) (with Gabriel Scheffler)

“Incorporated Standards in a Federal System,” *The Regulatory Review* (Aug. 25, 2022) (with Neharika Goyal)

“Law’s Interaction with Voluntary Codes and Standards,” *The Regulatory Review* (Aug. 22, 2022) (with Angel Reed)

“The Procurement Path to AI Governance,” *The Regulatory Review* (June 27, 2022) (with Lavi M. Ben Dor)

“Did Step Zero Help Doom *Chevron*?,” *The Regulatory Review* (June 13, 2022)

“Making Inoperative Guidance Accessible to All,” *The Regulatory Review* (May 16, 2022) (with Todd Rubin)

“Digital Versus Human Algorithms,” *The Regulatory Review* (April 25, 2022) (with Alicia Lai)

“The Right to Human Empathy in an Automated State,” *Bloomberg* (Jan. 6, 2022) (*reprinted in The Regulatory Review*)

“Climate Progress in Glasgow Depends on Domestic Politics,” *The Regulatory Review* (November 1, 2021)

“Unrules Can Unravel Business Regulations,” *Oxford Business Law Blog* (August 23, 2021) (with Gabriel Scheffler and Daniel E. Walters)

“Assessing George Stigler’s Economic Theory of Regulation,” *ProMarket* (July 27, 2021) (reprinted in *The Regulatory Review*)

“The Supreme Court’s ‘Exceptional’ Term,” *Notice & Comment* (July 9, 2021) (with Gabriel Scheffler and Daniel E. Walters) (expanded and reprinted in *The Regulatory Review*)

“A Trojan Horse from the Court’s Conservatives?,” *The Regulatory Review* (June 21, 2021) (with Daniel E. Walters)

“Deceptive Deregulation,” *The Regulatory Review* (November 2, 2020) (with Natasha Sarin and Stuart Shapiro)

“The Government’s Hidden Superpower: ‘Unrules,’” *Fortune* (October 30, 2020) (with Gabriel Scheffler and Daniel E. Walters)

“Ten Years of Regulatory Guidance,” *The Regulatory Review* (October 12, 2020)

“Dissing the Supreme Court,” *The Regulatory Review* (August 10, 2020)

“Law, Leadership, and Legitimacy in a Time of Disease,” *The Regulatory Review* (July 6, 2020)

“Tracking Legal Responses to COVID-19,” *The Regulatory Review* (July 3, 2020) (with Larissa Morgan)

“Politics, Prosecutors, and Procedural Fairness,” *The Regulatory Review* (June 29, 2020)

“Legitimacy, Not Force, Is Key to Presidential Power,” *The Regulatory Review* (June 20, 2020)

“Obligation Alleviation During the COVID-19 Crisis,” *The Regulatory Review* (April 20, 2020)

“Regulation Serves People, and Depends on Them Too,” *The Regulatory Review* (Feb. 24, 2020)

“Six Degrees of Delegation,” *The Regulatory Review* (Dec. 23, 2019)

“Making Guidance Available to the Public,” *The Regulatory Review* (Oct. 28, 2019) (with Connor Raso)

“Private Standards and Public Governance,” *Notice & Comment* (Oct. 18, 2019) (reprinted in *The Regulatory Review*)

“The Semi-Autonomous Administrative State,” *The Regulatory Review* (Oct. 7, 2019)

“Solving Climate Risk Requires Normative Change,” *Wharton Risk Center’s Climate Risk Solutions* (September 10, 2019) (reprinted in *The Regulatory Review*)

“Using Machine Learning to Improve the U.S. Government,” *The Regulatory Review* (Aug. 12, 2019)

“Justice Stevens’s Legacy to the Administrative State,” *The Regulatory Review* (July 22, 2019)

“What Does Risk-Based Regulation Mean?,” *The Regulatory Review* (July 8, 2019)

“Improving Regulations.gov,” *The Regulatory Review* (May 28, 2019)

“Fairness in Algorithmic versus Human Decision-Making,” *Freedom to Tinker* (blog of Princeton University’s Center for Information Technology Policy) (May 29, 2019)

“Putting Executives on the Hook Can Bolster Airplane Safety,” *The Hill* (April 30, 2019) (with Sierra Blazer) (reprinted in *The Regulatory Review*)

“The U.S. Already Has a Carbon Tax,” *The Washington Post* (January 23, 2019) (with Mark Nevitt)

“The Ambiguity in Judge Kavanaugh’s *Chevron* Critique,” *The Regulatory Review* (September 6, 2018)

“Trump’s Order Doesn’t Afford Border Children Meaningful Protection,” *The Hill* (June 25, 2018) (reprinted in *The Regulatory Review*)

“It’s Time to Think Strategically About Retrospective Benefit-Cost Analysis,” *The Regulatory Review* (April 30, 2018)

“‘Good Cause’ Does Not Mean Anything Goes,” *The Regulatory Review* (April 18, 2018)

“Learning What Works in Regulation,” *The Regulatory Review* (March 7, 2018) (with Todd Rubin)

“After a Federal Climate Policy Retreat, States Should Proceed with Caution,” *The Regulatory Review* (February 22, 2018) (with Shana Starobin)

“Let’s Be Real About State and Local Climate Action,” *The Regulatory Review* (February 20, 2018) (with Shana Starobin)

“Let’s Be Real About Trump’s First Year in Regulation,” *The Regulatory Review* (January 29, 2018)

“Tax Reform Saga Should Alarm Defenders of Democratic Process,” *The Hill* (December 19, 2017) (reprinted in *The Regulatory Review*)

“On the Pitfalls of Performance Standards,” *Oxford Business Law Blog* (October 26, 2017) (reprinted in *The Regulatory Review*)

“Designing Safety Regulations for High-Hazard Industries,” *The Regulatory Review* (October 4, 2017) (with Thomas R. Menzies)

“Why Cabinet Secretaries Should Not Threaten Members of Congress,” *The Regulatory Review* (with Gabriel Scheffler and Daniel E. Walters) (August 14, 2017)

“The Legal Risks of Regulating Climate Change at the Subnational Level,” *Public Administration Review Online Forum* (with Shana Starobin) (July 21, 2017) (reprinted in *The Regulatory Review*)

“Adjudicating by Algorithm, Regulating by Robot,” *Oxford Business Law Blog* (April 21, 2017) (with David Lehr) (reprinted in *The Regulatory Review*)

“Announcing *The Regulatory Review*,” *The Regulatory Review* (April 5, 2017) (with Kim Kirschenbaum) (reprinted in *The Huffington Post*)

“Is Government Truly Broken?,” *The Regulatory Review* (November 15, 2016)

“Teaching Regulatory Law Through Online Publishing,” *The Regulatory Review* (August 22, 2016)

“The Elusiveness of Regulatory Capture,” *The Regulatory Review* (July 5, 2016) (reprinted in *ProMarket*)

- Revised version reprinted as “Why It Is Hard to Attribute Regulatory Crises to Capture,” in Martin Lodge, ed., *Regulation Scholarship in Crisis?*, LSE Discussion Paper No. 84 (October 2016)
- “Robot Regulators Could Eliminate Human Error,” *San Francisco Chronicle* (May 5, 2016)
- “Seasons of Regulation,” *The Regulatory Review* (April 18, 2016)
- “When Management-Based Regulation Goes Global,” *The Regulatory Review* (December 23, 2015)
- “Regulatory Excellence as ‘People Excellence,’” *The Regulatory Review* (October 23, 2015)
- “The Regulatory Excellence Molecule,” *The Regulatory Review* (October 22, 2015)
- “What Volkswagen Reveals About the Limits of Performance-Based Regulation,” *The Regulatory Review* (October 5, 2015)
- “Rating Regulatory Excellence,” *The Regulatory Review* (July 28, 2015)
- “There’s an Easy Way to Untangle Regulatory Knots,” *Los Angeles Times* (March 31, 2015)
- “A New Year of Checks and Balances,” *The Regulatory Review* (January 1, 2015)
- “Satisfaction is Not the Same as Policy Success,” *The Regulatory Review* (December 25, 2014)
- “Improving Regulatory Agenda-Setting,” *The Regulatory Review* (November 17, 2014) (with Daniel E. Walters)
- “Rethinking the Value of Voluntary Environmental Programs,” *The Regulatory Review* (August 25, 2014)
- “Politics, Law, and Presidential Power,” *The Regulatory Review* (August 18, 2014)
- “It’s Time to Make Rulemaking Really Transparent on Agency Websites,” *The Regulatory Review* (August 11, 2014)
- “Are Voluntary Environmental Programs the Answer?” *The Regulatory Review* (April 28, 2014) (with Jennifer Nash)
- “Informing the Debate Over Regulation’s Impact on Jobs,” *The Regulatory Review* (March 10, 2014) (with Christopher Carrigan)
- “Moving Toward the Evaluation State,” *The Regulatory Review* (December 9, 2013)
- “RegBlog’s Next Chapter,” *The Regulatory Review* (November 11, 2013) (with James Hobbs)
- “Institutionalizing Regulatory Lookback,” *The Regulatory Review* (June 10, 2013)
- “What are Regulation’s Effects on Employment?,” *The Regulatory Review* (April 8, 2013)
- “Robert A. Kagan: Man of Style,” *Judicature* 96: 236-238 (March/April 2013) (reprinted in *The Regulatory Review*, December 17, 2013)
- “Diagnosis and Cure for the FDA’s Failure,” *Detroit Free Press* (January 5, 2013) (with Ted Ruger)
- “Meningitis Outbreak: Playing Political Football When Disaster Strikes,” *The Hill* (December 20, 2012)
- “When is a Federal Agency not a Federal Agency?,” *The Regulatory Review* (October 29, 2012)

“Has the U.S. Regulatory System Broken Down?,” *The Regulatory Review* (October 1, 2012)

“Regulation’s Four Core Components,” *The Regulatory Review* (September 17, 2012)

“Improving Regulatory Performance through *Ex Post* Evaluation,” *The Regulatory Review* (August 27, 2012)

“Is Flexible Regulation an Oxymoron?,” *The Regulatory Review* (July 30, 2012)

“The Performance of Regulatory Performance Standards,” *The Regulatory Review* (May 8, 2012) (with Lori Benneer)

“A Management Mess in the Obama Administration?,” *Politico.com* (April 17, 2012)

“An Incomplete Contraceptive Coverage Compromise,” *The Regulatory Review* (February 13, 2012)

“Taking Regulation Seriously,” *Politico.com* (January 28, 2012)

“A Backwards Idea from the FCC,” *The Regulatory Review* (January 10, 2012)

“Is the Regulatory Sky About to Fall?,” *Politico.com* (December 3, 2011)

“Making the Rulemaking Process Accessible to Ordinary Citizens,” *The Regulatory Review* (September 6, 2011)

“Tracking Down Killer Regulations,” *Politico.com* (June 18, 2011)

“The Administration’s Regulatory Review Plans: Toward Evidence-Based Governance,” *The Regulatory Review* (May 26, 2011)

“Open Government and Its Impact,” *The Regulatory Review* (May 8, 2011)

“Let’s Review the Rules,” *Los Angeles Times* (April 29, 2011)

“New Executive Order Promotes Public Participation,” *The Regulatory Review* (January 18, 2011)

“E-Government and Inequality in Public Participation,” *Jotwell* (September 27, 2010)

“Elena Kagan and the Regulatory State,” *The Regulatory Review* (July 3, 2010)

“Open Government Plans Revealed,” *The Regulatory Review* (April 7, 2010)

“Seeing Through the Transparency Myth,” *Philadelphia Inquirer* (August 26, 2009)

“‘70s-Era Law Won’t Solve Global Issue,” *Boston Globe* (May 2, 2009)

“Weak Democracy, Strong Information: The Role of Information Technology in the Rulemaking Process,” *Complexity and Social Networks Blog* (Jan. 10, 2008)

Reviews

Review, “Private Standards and Public Governance,” *Notice & Comment* (October 9, 2019) (reviewing JoAnne Yates & Craig N. Murphy, *Engineering Rules: Global Standard Setting Since 1880* (2019))

Review, “Regulatory Abdication in Practice,” *Public Administration* 79: 794-798 (2019) (reviewing Fiona Simon, *Meta-Regulation in Practice: Beyond Normative Views of Morality and Rationality*)

- Review, “The Legal System and Its Reform,” *The Regulatory Review* (November 27, 2018) (reviewing Benjamin Barton and Stephanos Bibas, *Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law*)
- Review, “Innovation and Regulatory Vigilance,” *Jotwell.com* (October 19, 2018) (reviewing Cristie Ford, *Innovation and the State: Finance, Regulation, and Justice*)
- Review, “Because It’s Hard,” *The Regulatory Review* (January 11, 2016) (reviewing Peter Schuck, *Why Government Fails So Often: And How It Can Do Better*)
- Review, “Rulemaking’s Puzzles,” *Jotwell.com* (December 16, 2015) (reviewing Connor Raso, *Agency Avoidance of Rulemaking Procedures*)
- Review, “The Search for Slowness,” *Jotwell.com* (April 11, 2012) (reviewing Jason Webb Yackee and Susan Webb Yackee, *Administrative Procedures and Bureaucratic Performance: Is Federal Rulemaking ‘Ossified’?*)
- Review, “Process Choice,” *Regulation & Governance* 5: 250-261 (2011) (reviewing Andrew Morriss, Bruce Yandle, and Andrew Dorchak, *Regulation by Litigation*)
- Review, “E-Government and Inequality in Political Participation,” *Jotwell.com* (September 27, 2010) (reviewing Kay Lehman Schlozman, Sidney Verba, and Henry Brady, *Weapon of the Strong? Participatory Inequality and the Internet*)
- Review, *Law & Society Review* 42: 932-934 (2008) (reviewing Aseem Prakash and Matthew Potoski, *The Voluntary Environmentalists: Green Clubs, ISO 14001, and Environmental Regulation*)
- Review, *Environment* 44: 44 (2002) (reviewing Paul S. Fischbeck and R. Scott Farrow, eds., *Improving Regulation: Cases in Environment, Health, and Safety*)
- Review, *Law and Politics Book Review* 6: 6-8 (1996) (reviewing David M. Rosenbloom and Richard D. Schwartz, eds., *Handbook of Regulation and Administrative Law*)
- Review, *Law and Politics Book Review* 2: 83-85 (1992) (reviewing Richard Sobol, *Bending the Law*)
- Review, *Michigan Law Review* 88: 1662-67 (1990) (reviewing Robert Dahl, *Democracy and Its Critics*)
- Review, *Michigan Law Review* 88: 1759-64 (1990) (reviewing Nathan Glazer, *The Limits of Social Policy*)

Teaching Materials

- “Introduction to Voluntary Codes and Standards: A Teaching Guide and Resources,” *Codes-and-Standards.org* (2022)
- “A Teaching Guide to State and Local Climate Regulation: Building Codes in New Mexico and Washington State,” *Codes-and-Standards.org* (2022) (with Shana Starobin)
- “AlbuquerqueGreen: Regulating Climate Change at the Local Level,” *Codes-and-Standards.org* (2022) (with Alexandra Johnson and Shana Starobin)
- “Washington’s 2030 Challenge: Regulating Around Preemption,” *Codes-and-Standards.org* (2022) (with Alexandra Johnson)
- “Teaching Voluntary Codes and Standards to Law Students,” *Administrative Law Review* 71:307-313 (2019) (with Caroline Raschbaum)

“Private Standards and the Benzene Case,” *Codes-and-Standards.org* (2018) (with Gabriel Scheffler)

Remarks and Interviews

“Balancing Insulation and Accountability of Agency Decisions,” *University of Dayton Law Review* 44: 327-331, 342-343, 347-349, 352-360 (2019) (edited transcript of remarks delivered on a panel at the 2018 annual Federalist Society National Lawyers Convention)

“Focus on Cary Coglianese”, *Regulatory Focus* (July 12, 2018) (interview—part 2), <https://www.raps.org/news-and-articles/news-articles/2018/7/focus-on-cary-coglianese-part-2-of-2>

“Focus on Cary Coglianese”, *Regulatory Focus* (June 28, 2018) (interview—part 1), <https://www.raps.org/news-and-articles/news-articles/2018/6/focus-on-cary-coglianese-part-1-of-2>

“Global Regulation,” *Global Affairs Review* (2017-2018), https://issuu.com/pennlawits/docs/2018-global_affairs_review?e=1420149/62821147

Resource Websites

Best-in-Class Regulator Initiative (www.bestinclassregulator.org)

E-rulemaking.org (www.e-rulemaking.org)

Optimizing Government: Policy Challenges in the Machine-Learning Age (www.optimizing-government.org)

Penn Program on Regulation (www.pennreg.org)

Rulefinder.org (www.rulefinder.org)

The Regulatory Review (www.theregreview.org)

Voluntary Codes and Standards: Teaching Resources for Law and Public Policy Courses (www.codes-and-standards.org)

PRESENTATIONS

2023 American Bar Association Administrative Law and Regulatory Practice Section (council board meeting); Association for the Advancement of Artificial Intelligence; Center for Taxpayer Rights; Council on Licensure, Enforcement and Regulation (keynote); International Veterinary Regulatory Network; Jean Monnet Network on EU Law Enforcement (EULEN) (keynote); National Academies of Sciences, Engineering; University College Dublin; Workshop on Critical Approaches to Public Law; U.S. Coast Guard; U.S. House Subcommittee on Coast Guard and Maritime Transportation (staff briefing); U.S. Senate Committee on Commerce, Science & Transportation (staff briefing); Utrecht University; Widener University Law School (John Gedid lecture)

- 2022 Council on Licensure, Enforcement and Regulation; National Academies of Sciences, Engineering, and Medicine; Organization for Economic Cooperation and Development; Seoul National University School of Law; University of Chicago Law School; University of Houston Law Center; University of Washington; University of Valladolid
- 2021 American Bar Association Administrative Law and Regulatory Practice Section; Colombian National Congress on Regulation and Regulatory Improvement (Keynote); Emory University; European Consortium for Political Research; Federal Deposit Insurance Corporation; Financial Services Regulatory Authority of Ontario; Fundação Getúlio Vargas Rio de Janeiro Law School; Forum of Indian Regulators; Harvard Kennedy School; Harvard Law School; Hebrew University of Jerusalem; Indian Institute of Corporate Affairs; Law Commission of Ontario; Northwestern University; Organization for Economic Cooperation and Development; Society for Institutional and Organizational Economics; University of Chicago Booth School of Business; University College London; University of Valladolid; Wake Forest University Law School; Wharton School; William & Mary Law School
- 2020 Administrative Conference of the United States; American Bar Association Administrative Law and Regulatory Practice Section; Arizona State University Sandra Day O'Connor College of Law; Australia and New Zealand School of Government; Brookings Institution; Federation of Chiropractic Licensing Boards; Federation of State Medical Boards (Herbert Platter Lecture); Florida State University College of Law (Distinguished Environmental Lecture); George Washington University (Keynote); Organization for Economic Cooperation and Development; U.S. Environmental Protection Agency; Vanderbilt University Law School
- 2019 Administrative Conference of the United States; American Bar Association Administrative Law and Regulatory Practice Section; American Law Institute; American Political Science Association; Antonin Scalia Law School George Mason University; Bar-Ilan University Law School; Brooklyn Law School; Case Western Reserve University School of Law; Federal Reserve of Philadelphia; Hebrew University of Jerusalem; International Association of Legislation (Keynote); Ontario Energy Association; Northeastern University; Partnership for the Public Service; Princeton University; Treasury Board of Canada Secretariat External Advisory Committee on Regulatory Competitiveness; University of California, Berkeley, School of Law
- 2018 American Bar Association Administrative Law and Regulatory Practice Section; American Historical Association; American University Washington College of Law; Antonin Scalia Law School George Mason University; Aspen Institute; Association of American Law Schools; Community of Federal Regulators (Keynote); Duke University; Georgia State University College of Law; Embassy of Canada to the United States; Federalist Society National Lawyers Convention; Harvard Business School; Law & Society Association; Midwest Political Science Association; Princeton University; Society for Benefit-Cost Analysis; Southern Economic Association; University of Connecticut (Teale Lecture); University of Maryland King Carey School of Law; U.S. Department of Agriculture Agricultural Forum; Wharton School (Capitol Hill briefing); Wharton Risk Center

- 2017 Alberta Energy Regulator; Administrative Conference of the United States; Aspen Institute; Brookings Institution; College of Idaho; Dutch Council of State; George Washington University; Georgia State University College of Law; National Academies of Sciences, Engineering, and Medicine; Ohio State University; Organization for Economic Cooperation and Development; Society for Benefit-Cost Analysis; University of Chicago Booth School of Business; University of Pennsylvania School of Engineering and Applied Science; Society for Standards Professionals; U.S. Environmental Protection Agency; U.S. Chemical Safety and Hazard Investigation Board; Wharton School; Yale Law School
- 2016 American Bar Association's Administrative Law and Regulatory Practice Section; Aspen Institute; Association of American Law Schools; Australian National University; Australia and New Zealand School of Government; CAMPUT: Canada's Energy and Utility Regulators; Columbia Law School; Community of Federal Regulators (Canada); European University Institute; Indiana University; International Association of Legislation (Keynote); Kleinman Center for Energy Policy; National Academies of Sciences; National Highway Traffic Safety Administration; National Institute of Standards and Technology; New Zealand Ministry of Business, Innovation and Employment; Northwestern University Pritzker School of Law; Oxfam International; Society for Benefit-Cost Analysis; University of Ottawa (Keynote); University of Pennsylvania Graduate School of Education; U.S. Environmental Protection Agency (Benjamin Fields Lecture); Victoria University of Wellington; Wake Forest University School of Law; Wharton School; Yale Law School; Yale University
- 2015 Alberta Energy Regulator; American Bar Association's Administrative Law and Regulatory Practice Section; Commonwealth Court Historical Society; Fels Institute of Government; Interstate Oil and Gas Compact Commission; Progressive Policy Institute; Resources for the Future; Society for Benefit-Cost Analysis; Society for Risk Analysis; University of California, Berkeley, Boalt Hall School of Law (Inaugural Robert A. Kagan Lecture); University of Southern California (Keynote); University of Washington; U.S. Food and Drug Administration; Wharton School; World Economic Forum
- 2014 Duke University School of Law; George Washington University; Harvard Kennedy School; Organization for Economic Cooperation and Development; Law & Society Association; Notre Dame Law School; Society for Benefit-Cost Analysis; U.S. Environmental Protection Agency; U.S. Department of Labor; Wharton School
- 2013 AAAS Forum on Science & Technology Policy; Albany Law School; American Political Science Association; Board on Mathematical Sciences and Their Applications (BMSA), National Research Council; George Washington University; Harvard University; Law & Society Association; Progressive Policy Institute; Society for Risk Analysis
- 2012 ABA Administrative Law & Regulatory Practice Section Meeting; American University; Harvard Kennedy School; Korean Legislation Research Institute (Keynote); Princeton University; University of Pennsylvania School of Social Policy & Practice
- 2011 Administrative Conference of the United States; Association of Public Policy Analysis & Management; Federalist Society National Lawyers Convention; National Academies of Sciences; Organization for Economic Co-operation and Development;

- Temple University; University of Akron; University of Michigan; University of Minnesota; University of Wisconsin; University of Pennsylvania Medical School; Wharton School
- 2010 Canadian Institute for the Administration of Justice; Law & Society Association; National Academies of Science; University of Maine (Keynote); Wharton School
- 2009 American Bar Association Administrative Law & Regulatory Practice Section Rulemaking Institute (Keynote); American Political Science Association; Carleton University (Inaugural Dagg Lecture); Law & Society Association; The College of Idaho; University of Minnesota; University of Wisconsin
- 2008 American Bar Association Administrative Law & Regulatory Practice Section; American Enterprise Institute; American Political Science Association; Arizona State University College of Law; Georgetown Law Center; Harvard University John F. Kennedy School of Government; Law & Society Association; Michigan State University Law School; New York University Law School; Organization for Economic Co-operation and Development; Resources for the Future; University of California at Berkeley; University of San Diego Law School; University of Wisconsin
- 2007 American Political Science Association; Bertelsmann Foundation International Regulatory Reform Conference; Georgetown Law Center; Harvard University John F. Kennedy School of Government; International Digital Government Research Conference; Law & Society Association; Northeastern University; UK Better Regulation Executive
- 2006 Inter-Jurisdictional Regulatory Collaboration Committee on the Use of Risk in Regulation; Massachusetts Legislature's Joint Committee on Public Service; Tuck School of Business, Dartmouth College; United States House of Representatives, Committee on the Judiciary's Subcommittee on Commercial and Administrative Law
- 2005 Association of Public Policy and Management; Duke University Law School; Duke University Sanford Institute of Public Policy; Law & Society Association; Privy Council Office, Government of Canada; State Street Global Advisors Management Conference; University of Minnesota Law School (Pattee Lecture); University of Pennsylvania Law School; South African Mine Health & Safety Council; Vanderbilt University Law School
- 2004 American Bar Association Section on Administrative Law and Regulatory Practice; American University; Association for Public Policy Analysis and Management; George Washington University Law School; Institute of Medicine/National Academies of Sciences; Michigan State University College of Law; Stanford Law School; Stanford University Environmental Forum; State Street Global Advisors Management Conference; University of California, Berkeley, Boalt Hall School of Law; University of California, Berkeley, Goldman School of Public Policy; University of California, Berkeley, Haas School of Business; University of California, Santa Barbara, Donald Bren School of Environmental Science & Management; University of Michigan Ross School of Business
- 2003 American Political Science Association; British Columbia Ministry of Competition, Science, and Enterprise (Keynote); Canadian Department of Justice (Keynote); Canadian Ministry of Transport; George Washington University Law School; Harvard

- University Health Care Delivery Policy Program; Law and Society Association; National Academies of Sciences; National Research Council; State Street Global Advisors Management Conference; University of Pennsylvania Law School; University of Pennsylvania Wharton School; Stanford Law School; Yale Law School
- 2002 American Nuclear Society; Columbia-Wharton/Penn Roundtable; George Washington University; Harvard University Regulatory Policy Program; Law and Society Association; Massachusetts Institute of Technology; Resources for the Future; State Street Global Advisors Management Conference; Transportation Research Board of the National Academies of Sciences
- 2001 Association for Public Policy and Management; Carnegie Mellon University; Environmental Law Institute/National Academy of Public Administration; European Union Financial Counselors Meeting; Harvard University John F. Kennedy School of Government; InterAction Council; Joint Meeting of U.K. Railway Safety and the U.S. Federal Railroad Administration; Kansai Keizai Doyukai Association; National Defense University; Pacific Industrial and Business Association; Resources for the Future; Workshop on Evaluating Environmental and Public Policy Dispute Resolution Programs and Policies, Syracuse University's Maxwell School and Indiana University's Conflict Resolution Institute; University of California, Santa Barbara, Bren School of Environmental Science & Management; University of Illinois College of Law; University of Pennsylvania Law School
- 2000 American Political Science Association; Association of American Law Schools; Law and Society Association; Massachusetts Institute of Technology Sloan School of Management; Multi-State Working Group on Environmental Management Systems
- 1999 Association for Public Policy and Management; Global Environmental Assessment Project, Harvard University; Greening of Industry Network; Harvard Law School; Harvard University Transatlantic Symposium on Rethinking Federalism in the EU and US; Law and Society Association; Research Summit on Environmental Management Systems sponsored by the U.S. Environmental Protection Agency, Multi-State Working Group on Environmental Management Systems, and Brookings Institution; University of Pennsylvania Law School; Visions of Governance for the Twenty-First Century Conference
- 1998 Association of American Law Schools; Environmental Economics and Policy Seminar, Harvard University; Law and Society Association; University of Texas Law School
- 1997 American Political Science Association; Duke Law School; Harvard University Department of Government; Law and Society Association
- 1996 American Political Science Association; Northeastern Political Science Association
- 1995 Law and Society Association
- 1993 American Political Science Association; International Political Science Association Research Committee on Comparative Judicial Studies; Law & Society Association; University of Michigan
- 1992 Law and Society Association
- 1991 Midwest Political Science Association

PODCASTS AND VIDEOS

- “Race and Regulation” (created, edited, and moderated ten-episode podcast series) (2022)
- “Assessing Automated Administration,” AI Governance Book Discussion (April 27, 2022)
- “US-China Responses to COVID-19,” U.S.-China Dialogue (March 4, 2022)
- “Cautionary Tales: How Technology Implementation is Impacting the Law Enforcement Landscape,” *Mission is Possible*, Guidehouse and American University (August 16, 2021)
- “How Big a Threat Is the Supreme Court to Biden’s Climate Agenda?,” *Energy Policy Now*, Kleinman Center for Energy Policy (April 6, 2021)
- “Revisiting ‘Coronavirus and Comparative Administrative Law,’” *A Hard Look by the Administrative Law Review* (March 18, 2021)
- “The Unrule of Law as the Law of Unrules,” *Arbitrary & Capricious Podcast of the C. Boyden Gray Center for the Study of the Administrative State* (Nov. 10, 2020)
- “Coronavirus and Comparative Administrative Law,” *A Hard Look by the Administrative Law Review* (July 17, 2020)
- “Citizenship in a Networked Age: Democratic vs. Algorithmic Decision-making,” *American Enterprise Institute Events Podcast* (June 25, 2020)
- “Legal Responses to COVID-19 from Around the World,” *Penn Law Case in Point* (June 3, 2020)
- “Debunking the ‘War on Coal,’” *Energy Policy Now*, Kleinman Center for Energy Policy (October 9, 2019)
- “Resolute: Navigating the Regulatory Thicket,” *The Federalist Society Regulatory Transparency Project* (April 29, 2019)
- “How AI and Algorithms Impact on Regulation and Adjudication,” *Law Pod UK* (July 27, 2018)
- “Achieving Regulatory Excellence,” *Knowledge@Wharton* (May 2, 2018)
- “An EPA After Scott Pruitt,” *Energy Policy Now*, Kleinman Center for Energy Policy (April 23, 2018)
- “The Legal Limits to State Climate Action,” *Energy Policy Now*, Kleinman Center for Energy Policy (April 17, 2018)
- “What Congress’ Repeal Efforts Reveal About Federal Regulatory Reform,” *Penn Law Case in Point* (Dec. 8, 2017)
- “Balancing the Benefits and Costs of Environmental Regulation,” *Energy Policy Now*, Kleinman Center for Energy Policy (July 10, 2017)
- “The Many Fronts of Trump’s Environmental Deregulation Effort,” *Energy Policy Now*, Kleinman Center for Energy Policy (April 3, 2017)
- “Cutting Regulations: How Far Can Trump Go?,” *Knowledge@Wharton* (Jan. 31, 2017)
- “What’s Next for Climate Policy and Environmental Regulation?,” *Penn Law Case in Point* (Jan. 10, 2017)

“Why Finding a Successor for Justice Scalia Will Be a Challenge,” *Knowledge@Wharton* (Feb. 17, 2016)

“Why There’s No Quick Fix for Volkswagen’s Emissions Crisis,” *Knowledge@Wharton* (Sept. 23, 2015)

“Does Regulation Kill Jobs?” *Penn Alumni Webinar* (Oct. 22, 2014)

TESTIMONY

Joint Meeting of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee of the Pipeline and Hazardous Materials Safety Administration, 2019

Hearing on Philadelphia Energy Solutions Refinery, City of Philadelphia Refinery Advisory Group Environment Committee, 2019

Hearing on “Reviewing Independent Agency Rulemaking,” U.S. Senate Committee on Homeland Security and Government Affairs Subcommittee on Regulatory Affairs and Federal Management, 2016

Hearing on “Justice Denied: Rules Delayed on Auto Safety and Mental Health,” United States Senate Committee on the Judiciary’s Subcommittee on Oversight, Federal Rights, and Agency Action, 2013

Meeting of President’s Council on Jobs and Competitiveness Working Group on Regulation, 2011

Hearing on “The Role of Science in Regulatory Reform,” U.S. House of Representatives Committee on Science and Technology’s Subcommittee on Investigations and Oversight, 2009

Hearing on “The 60th Anniversary of the Administrative Procedure Act: Where Do We Go from Here?,” U.S. House of Representatives Committee on the Judiciary’s Subcommittee on Commercial and Administrative Law, 2006

Hearing on Pension Regulation Reform before the Massachusetts Legislature’s Joint Committee on Public Service, 2006

GRANTS AND FELLOWSHIPS

Fels Policy Research Institute (for collaboration on artificial intelligence), 2016-2017

National Institute of Standards and Technology (for standards curricular development), 2015-2017

Ewing Kauffman Foundation (for research on business influence on regulation), 2015-2018

Organization for Economic Cooperation and Development (for research on regulatory indicators), 2015

Alberta Energy Regulator (for research on regulatory excellence), 2014-2015

Robert Wood Johnson Foundation (for research on improving enforcement of workplace health and safety regulation), 2010-2013

University of Pennsylvania Office of the Provost (for conference and edited volume on import safety in the global economy), 2008-2009

University of Pennsylvania Provost's Interdisciplinary Seminar Fund (for seminar series on risk and regulation), 2007-2008

Fellowship in Environmental Regulatory Implementation, Resources for the Future, 2005-2007

Multi-State Working Group on Environmental Performance (for research on environmental policy innovation), 2005-2006

Fellowship in Environmental Regulatory Implementation, Resources for the Future, 2003-2004

U.S. Environmental Protection Agency (for research on industry participation in tiered regulatory recognition programs), 2002-2004

U.S. Environmental Protection Agency (for research on innovative regulatory strategies), 2002-2004

National Science Foundation (for research on e-rulemaking), 2002-2003

American Chemistry Council (for conference on environmental policy innovation), 2002-2003

U.S. Department of Transportation, Federal Railroad Administration (for research on performance-based regulation), 2001-2002

Kansai Keizai Doyukai Association (for research on performance-based regulation), 2001-2002

Council of State Governments (for research on environmental management systems), 2001

Smith Richardson Foundation (for research on judicial review of administrative rulemaking), 2001

Visions of Governance for the 21st Century Project (for research on management regulation), 2000

Goldsmith Research Award, Joan Shorenstein Center on the Press, Politics, and Public Policy (for research on press coverage of regulatory policy), 1997

Ford Foundation, Innovations in American Government Program (for research on regulation), 1996

National Science Foundation (for research on interest group litigation), 1992-94

Gerald R. Ford Fellowship, University of Michigan (for dissertation research on American politics and public policy), 1992-94

Research Partnership Award, University of Michigan (for research on environmental law), 1991-92

HONORS AND AWARDS

Elected Member, American Law Institute, 2019

Distinguished Alumni Award, The College of Idaho, 2015

Pro Bono Supervisor of the Year, Environmental Law Project, Penn Law, 2010, 2011

Distinguished Service Award, Center for Business and Government, John F. Kennedy School of Government, 2006

Life Fellow, American Bar Foundation, 2013- (Fellow, 2006-2013)

Edward S. Corwin Award, American Political Science Association (for best dissertation in the field of public law), 1995

Order of the Coif and *Magna Cum Laude*, University of Michigan Law School, 1991

UNIVERSITY COURSES

Administrative Law (law school course)
Advanced Regulatory Law and Policy (law school seminar)
Defining and Achieving Regulatory Excellence (law school course)
Doctoral Research Seminar (required seminar for public policy doctoral candidates)
Energy and Environmental Policy (graduate research seminar)
Environmental Law (law school course)
Law and Administration (graduate seminar on administrative law)
Law and Public Policy (graduate course on legal methods and legal process)
Legislation (law school course on statutory interpretation and the legislative process)
Making Regulatory Policy (graduate and law school course on regulatory policy)
Policy Analysis (law school course)
Reforming the Administrative State (policy research seminar)
Regulatory Law and Policy (law school seminar)
Responsibilities of Public Action (required graduate course on political theory and ethics)

EXECUTIVE AND SHORT COURSE TEACHING

“Regulatory Analysis and Decision-Making,” University of Pennsylvania Law School (creator, academic director, and teaching faculty), 2019 - (weeklong course delivered seven times)
“Frameworks for Regulatory Decision-Making,” Wharton State Administration of Foreign and Expert Affairs Program, October 2017 & October 2019
“Regulatory Decision-Making,” Wharton Strategic Leadership Executive Program, April 2017
“The Regulatory Process” and “Environmental Regulation,” University of Pennsylvania Law and Business Fellowship Executive Program for Professional Women in the Middle East, March 2007, April 2008 & May 2009
“When Should Government Act?,” Food and Drug Administration Senior Management Executive Program on Regulatory Policy, University of Maryland School of Public Affairs, April 2005
“Making Agency Law Through Rulemaking,” first annual Administrative Law and Regulatory Practice Institute, American Bar Association’s Section of Administrative Law and Regulatory Practice, Washington, D.C., April 2005
“Tools for Regulatory Policy,” Food and Drug Administration Senior Management Executive Program on Regulatory Policy, University of Maryland School of Public Affairs, June 2003
“Ethics: Creating a Fiduciary Culture,” Harvard Kennedy School Executive Program on the Regulation of the Russian Securities Market, May 1998
“Nonprofits, Voluntary Groups, and American Democracy,” Harvard Kennedy School Alumni Refresher Weekend, May 1998

“Consensus at the Crossroads,” Harvard Kennedy School Executive Program on the Strategic Management of Regulatory and Enforcement Agencies, August 1997 & October 1998

“Introduction to Political Institutions,” Kennedy School Summer Program, 1996 & 1997

SELECTED CONFERENCES AND SEMINARS ORGANIZED

Panel Session, “Is It Time to Re-Regulate the Airlines?,” University of Pennsylvania Law School, April 2023

Panel Session, “Agile Regulation: Governance in a Changing World,” University of Pennsylvania Law School, February 2023

Panel Session, “Regulating Emerging Technologies,” ABA Administrative Law Section, 2022
The Regulatory Review Summer Seminar Series, 2021 - 2022

Race and Regulation Lecture Series, 2021- 2022

Regulatory Law and Policy Seminar Series, University of Pennsylvania Law School, 2012-

Workshop on “Rigorous Policy Pilots,” Washington, D.C., May 30, 2019

Risk Regulation Seminar Series, University of Pennsylvania Law School & Wharton School, Philadelphia, 2007-2018

Book Symposium, “Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law,” University of Pennsylvania Law School, April 2018

Panel Session, “The Cannabis Conundrum: An Experiment in Federalism or States’ Rights Run Amuck?,” University of Pennsylvania Law School, April 2018

Workshop on “Next Steps in Standard Essential Patents: Lessons from *Microsoft v. Motorola*’s Ongoing Legacy,” University of Pennsylvania Law School, March 2018

Workshop on “Who Wins and Who Loses: The Distribution of Regulatory Impacts in the United States,” University of Pennsylvania Law School, November 2017

Workshop Series on “Optimizing Government: Policy Challenges in the Machine Learning Age,” University of Pennsylvania Fels Policy Research Initiative, 2016-2017

Symposium on “Is Government Broken?,” University of Pennsylvania Law School, March 2016

Workshop on Machine Learning and Regulation, University of Pennsylvania Law School, January 2016

Workshop on “Creating a Distributional Portrait: Prospects for Estimating Patterns in Regulatory Impacts,” University of Pennsylvania Law School, December 2015

Symposium on “The Bounds of Executive Discretion in the Regulatory State,” University of Pennsylvania Law School, October 2015

Province-wide Dialogue on “Regulatory Excellence,” Calgary, Alberta, April 2015

Workshop on “Defining and Measuring Regulatory Excellence,” University of Pennsylvania Law School, Philadelphia, March 2015

Workshop on “Understanding Regulation’s Impact on Employment,” Washington, D.C., September 2013

Panel on “Rethinking Regulatory Capture,” Annual Meeting of the Law & Society Association, Chicago, May 2013

Panel on “Regulatory Breakdown: The Crisis of Confidence in U.S. Regulation,” Association for Public Policy & Management Fall Research Conference, Baltimore, November 2012

Conference on “Regulation’s Impacts on Jobs: Economic Analysis and Institutional Reform,” University of Pennsylvania Law School, Philadelphia, September 2012

Workshop on “Beyond Compliance Costs: The Other Economic Impacts of Regulation,” Penn Program on Regulation Washington Workshop, June 2012

Roundtable on “Implementing the Volcker Rule,” Morrison & Foerster, Washington, D.C., March 2012

Conference on “Regulatory Breakdown?: The Crisis of Confidence in U.S. Regulation,” University of Pennsylvania Law School, Philadelphia, September 2011

Workshop on “Assessing Open Government: Research Challenges in Evaluating Transparency,” Penn Program on Regulation Washington Workshop, May 2011

Workshop on “Import Safety: Regulatory Governance in the Global Economy,” University of Pennsylvania Law School, Philadelphia, May 2009

Panel on “Democratizing Regulation? Transparency and Public Participation in the Regulatory Process,” International Regulatory Reform Conference, Berlin, November 2008

Panel on “The Obama Win: Law, Politics, and Policy after the Election,” University of Pennsylvania Law School, Philadelphia, November 2008

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Montreal, May 2008

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Berlin, July 2007

Penn Program on Regulation Symposium on “White House Review of Rulemaking: Looking Back, Looking Forward,” University of Pennsylvania Law School, Philadelphia, December 2006

Catastrophic Risk and Regulation Seminar Series, University of Pennsylvania Law School, Philadelphia, 2006-2007

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Baltimore, July 2006

Regulatory Policy Program Conference on “After the Scandals: Changing Corporate Relationships,” Cambridge, Mass., May 2006

Committee on the Judiciary, U.S. House of Representatives Symposium on “E-Rulemaking in the 21st Century,” Washington, D.C., December 2005

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Las Vegas, June 2005

Regulatory Policy Program Workshop on Business Decision Making and EPA's National Environmental Performance Track Program, Cambridge, Mass., October 2004

Panels of the Collaborative Research Network on Regulatory Governance, Annual Meeting of the Law & Society Association, Chicago, May 2004

Regulatory Policy Program Conference on "The Role of Government in Corporate Governance," Cambridge, Mass., May 2004

Regulatory Policy Program Dialogue on "Restoring Trust in Capital Markets," Cambridge, Mass., November 2003

Regulatory Policy Program Conference on "Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance," Washington, D.C., July 2003

Panel on "Regulation and the Reflexive Management of Organizations," Annual Meeting of the Law and Society Association, Pittsburgh, June 2003

Panel on "E-Rulemaking: New Directions for Information Technology and Regulation," National Conference on Digital Government Research, Boston, Mass., May 2003

Regulatory Policy Program Panel on "Whistleblowers: Dissent Within Organizations," Cambridge, Mass., April 2003

Regulatory Policy Program Panel on "The New Agenda at the SEC," Cambridge, Mass., April 2003

Regulatory Policy Program Conference, "E-Rulemaking: New Directions for Technology and Regulation," Cambridge, Mass., January 2003

Corporate Governance and Public Policy Seminar Series, John F. Kennedy School of Government, Cambridge, Mass., 2002-2005

Kennedy School Forum, "Corporate Fraud and Rattled Investors," Cambridge, Mass., September 2002

Panel on "Voluntary and Deterrence Based Regulatory Strategies," Annual Meeting of the Law and Society Association, Vancouver, British Columbia, June 2002

Regulatory Policy Program Workshop, "Performance-Based Regulation: Prospects and Limitations in Health, Safety, and Environmental Protection," Washington, D.C., May 2002

Kennedy School Forum, "Enron: Causes, Effects, Cures," Cambridge, Mass., April 2002

Regulatory Policy Program Workshop, "Information Technology and Rulemaking," Washington, D.C., March 2002

Panels on "Regulatory Enforcement and Compliance" and "Trends and Themes in Regulatory Studies," Annual Meeting of the Law and Society Association, Budapest, Hungary, July 2001

Regulatory Policy Program Workshop, "The Role of Science and Economics in Setting Environmental Standards," Washington, D.C., May 2001

New Directions in Regulation Seminar Series, John F. Kennedy School of Government, Cambridge, Mass., 1998-2006 (faculty seminar series of more than one hundred sessions)

Panel on "Interest Groups, Agencies, and Environmental Law," Annual Meeting of the Law and Society Association, Philadelphia, Pennsylvania, 1992

UNIVERSITY SERVICE

Chair, Academic Standing Committee, 2022-2023
Member, University Consultative Search Committee for Law School Dean, 2022-2023
Member, Executive Committee, Environmental Innovations Initiative, 2019-
Member, University Council Committee on Facilities, 2019-2022
Member, Search Committee for Associate Dean for Communications, 2020-2021
Member, Dean's Strategic Working Group on Public Policy and Social Impact, University of Pennsylvania School of Arts and Sciences, 2019-2020
Co-Chair, Academic Careers Committee, 2018-2019
Member, Search Committee for Head Librarian for the Biddle Law Library, 2018-2019
Member, Provost's Ad Hoc Committee on Sustainability, 2017-2018
Member, Fels Institute of Government Faculty Committee, 2015-2018
Faculty Advisor, *University of Pennsylvania Journal of Law and Public Affairs*, 2018-
Faculty Advisor, Independent Research Seminar, *Journal of Law and Public Affairs*, 2015-2018
Chair, Faculty Appointments Committee, 2013-2014, 2020-2021
Chair, Tenure and Promotions Committee, 2012-2013, 2019-2020
Chair, Committee on Government and Public Affairs, 2012-
Member, Faculty Board, Wharton Public Policy Initiative, 2012-2019
Founder & Faculty Advisor, *The Regulatory Review* (formerly *RegBlog*), 2009-
Founding Director, Penn Program on Regulation, University of Pennsylvania Law School, 2006-
Member, Faculty Advisory/Executive Committee, Initiative for Global Environmental Leadership, University of Pennsylvania, 2006-2019
Member, Provost's Academic Planning & Budget Committee, University of Pennsylvania, 2008-2011
Member, Appointments Committee, University of Pennsylvania Law School, 2007-2008
Member, International Programs Committee, University of Pennsylvania Law School, 2006-2007
Member, Kennedy School Committee on Digital Copyright and Patriot Act Issues, 2003-2005
Member, Research Steering Committee, KSG Health Care Delivery Policy Program, 2003-2006
Member, Kennedy School Disciplinary Review Board, 2002-2003
Member, Executive Committee, KSG Environment & Natural Resources Faculty Group, 2001-2006
Chair, Regulatory Policy Program, Center for Business and Government, 2000-2006
Faculty Chair, Concentration in Regulation and Industry Analysis, 2000-2006
Organizer, Seminar on New Directions in Regulation, 1998-2006
Member, Ph.D. in Political Economy and Government Committee, 1997-2006

Director, Politics Research Group, 1995-2006
Member, Policy Analysis Exercise Awards Committee, 1995, 1998, 2003
Member, Faculty Search Committees in Politics, Management, Ethics, and Law, 1996-2002
Member, Mid-Career Program Admissions Committee, 1994-1999

PROFESSIONAL ACTIVITIES

Chair, National Academies of Sciences, Engineering, and Medicine Committee on New Coast Guard Authorities, 2022-
Co-Chair, Expert Panel on Affordability in Safe Drinking Water Act Rulemakings, American Water Works Association, 2020-2021
Co-Chair, Regulatory Policy Committee, American Bar Association's Section of Administrative Law and Regulatory Practice, 2020-
Chair, Regulatory Policy Committee, American Bar Association's Section of Administrative Law and Regulatory Practice, 2019-2020
Member, Editorial Advisory Group, Edward Elgar (for book series on public governance), 2018-
Member, Editorial Board, Korea Legislation Research Institute's *KLRI Journal of Law and Legislation*, 2018-2019
Senior Fellow, Administrative Conference of the United States, 2022
Public Member, 2016-2022
Chair, Rulemaking Committee, 2017-2022
Member, National Academies of Sciences, Engineering, and Medicine Committee on Offshore Oil and Gas Operations Inspections, 2017-2020
Member, Advisory Committee, Resources for the Future Project on Advancing Retrospective Analysis of Federal Environmental Regulation, 2017-2019
Member, National Academies of Sciences, Engineering, and Medicine Committee on Performance-Based Safety Regulation, 2016-2017
Member, Aspen Institute's Aspen Dialogue on Energy Governance, 2016-2017
Visiting Scholar, Australia and New Zealand School of Government, 2016
Lead Author, International Panel on Social Progress Report (Chapter 22: The Contributions of Social Sciences to Policy and Institutional Change), 2016-2017
Member, Task Force on Regulatory Systems Coherence, E15 Initiative, International Center for Trade and Sustainable Development and World Economic Forum, 2015
Invited Reviewer, Office of Management and Budget, Draft 2013 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities, 2013
Chair and Discussant, Panel on "Making Regulation: Political, Economic and Legal Perspectives," Annual Meeting of the Law & Society Association, 2013

Invited Moderator, U.S. Environmental Protection Agency Workshop on Next Generation Environmental Compliance, Washington, D.C., 2012

Expert Witness (on regulatory enforcement), Commonwealth of Pennsylvania, 2012

Co-Chair, E-Government Committee, American Bar Association's Section of Administrative Law and Regulatory Practice, 2011-2018

Member, National Advisory Committee, International Conference on Theory and Practice of Electronic Governance, 2011-2012

Member, Policy, Markets and Behavior Advisory Committee, Greater Philadelphia Innovation Cluster for Energy Efficient Buildings, 2011-present

Co-Chair, Rulemaking Committee, American Bar Association's Section of Administrative Law and Regulatory Practice, 2010-2011

Member, Executive Board, *Regulation & Governance*, 2009-

Chair, Task Force on Transparency and Public Participation, OMB Watch Project on "Advancing the Public Interest through Regulatory Reform," 2008

Council Member, American Bar Association's Section of Administrative Law and Regulatory Practice, 2007-2010

Consultant to the U.S. Environmental Protection Agency (on measurement and evaluation issues related to performance-based environmental programs), 2007-2008

Member, American Bar Association Committee on the Status & Future of Federal E-Rulemaking, 2007-2008

Chair and Discussant, Panels on "Climate Change, Legal Change," "Collaborative Governance and Its Critics," and "Regulation and Developing Economies," Annual Meeting of the Law & Society Association, 2007

Chair and Discussant, Panel on "Organizational Transformations," Northeast Law & Society Conference, 2007

Member, Publications Committee, Law & Society Association, 2006-2008

Member, Annual Meeting Program Committee, Law & Society Association, 2005-2007

Founding Editor, *Regulation & Governance* (international, peer-reviewed journal), 2005-2008

Member, Editorial Board, *International Journal of Electronic Governance*, 2005-

Expert Witness (on regulatory process), Welding Fume Products Liability Litigation, 2005, 2010

Member, Reform Initiatives Advisory Committee, Massachusetts Public Employee Retirement Administration Commission, 2004-2005

Facilitator, U.S. Environmental Protection Agency Public Forum on eRulemaking, Cambridge, Massachusetts, 2004

Vice-Chair, Committee on Innovation, Management Systems, and Trading of the American Bar Association's Section of Environment, Energy, and Resources, 2003-

Chair, Panel on “Digital Government Research Trends: Emergence and Evolution,” Annual Meeting of the American Political Science Association, 2003

Vice-Chair, E-Rulemaking Committee of the American Bar Association’s Section of Administrative Law and Regulatory Practice, 2002-

Chair, Panel on “Redefining the Fields: Responsive Regulation Meets Governmentality,” Annual Meeting of the Law and Society Association, 2002

Member, Lifetime Achievement Award Committee, Law and Courts Section, American Political Science Association, 2002-2003

Member, Editorial Board, Memos to the Governor Project, The American Society for Public Administration, Massachusetts Chapter, 2001-2002

Chair and Discussant, Panel on “Regulatory Enforcement and Compliance,” Annual Meeting of the Law and Society Association, 2001

Founder and Co-Chair, Collaborative Research Network on Regulatory Governance, Law & Society Association, 2000-2008

Member, Editorial Board, *Law & Society Review*, 2000-2003

Member, Editorial Board, Comparative Environmental Law & Policy Series, Kluwer Law, 2000

Counsel of Record and Co-Author, *Amicus curiae* brief filed on behalf of twenty professors and scientists in *American Trucking Associations v. Browner* (U.S. Supreme Court), 2000

Member, Research Design Team, Multi-State Working Group on Environmental Management Systems, 1999-2000

Member, Planning Committee for Didactics Workshop, Law & Society Association, 1998-99

Participant, Forum on Data Collection, Multi-State Working Group on EMSs, 1998

Discussant, Panel on “Environmental Law,” Annual Meeting of the Law & Society Association, 1998

Discussant, Panels on “Courts and the Policy Process” and “Trustworthy Government: Connecting Bureaucrats and Citizens,” Annual Meeting of the American Political Science Association, 1998

Invited Participant, Workshop on Local Response to Global Change, Belfer Center for Science and International Affairs, 1998

Evaluator, Ford Foundation’s Innovations in American Government Program (evaluated the U.S. EPA’s 33/50 Program, the State of Florida’s Ecosystem Management Initiative, and the Department of Defense’s Ozone Depleting Chemical Elimination Program), 1995-97

Member, Westview Press Award Committee, Midwest Political Science Association, 1996-97

Discussant, Panel on “Lobbying,” Midwest Political Science Association Annual Meeting, 1995

Facilitator, EPA-New England’s and the National Performance Review’s Stakeholder Reinvention Outreach Meeting, Cambridge, Mass., 1995

Invited Participant, Summer Institute in Socio-Legal Studies, Amherst College, 1992

Invited Participant, Law and Society Association Graduate Student Workshops, 1989-90

Associate Editor and Contributing Editor, *Michigan Law Review*, 1988-91

Reviewer for numerous journals, foundations, presses, and universities, including:

Academy of Management Review; Administration & Society; American Journal of Political Science; American Political Science Review; British Journal of Political Science; British Journal of Sociology; California Breast Cancer Research Program; Columbia Law Review; Edward Elgar Publishing; European Science Foundation; Forest Policy and Economics; Harvard International Journal of Press/Politics; Harvard Law Review; Harvard University Press; International Journal of E-Politics; Israel Science Foundation; Journal of Business Ethics; Journal of Environmental Management; Journal of Health Politics, Policy and Law; Journal of Law & Technology Policy; Journal of Policy Analysis & Management; Journal of Politics; Journal of Public Administration Research and Theory; Law & Policy; Law & Society Review; MIT Press; National Science Foundation; Nature Climate Change; New York University Law Review; Oxford Journal of Legal Studies; Oxford University Press; Palgrave Macmillan Publishers; Policy Sciences; Politics Research Quarterly; Princeton University Press; Public Administration; Public Administration Review; Regulation & Governance; Resources for the Future Press; Review of Environmental Economics and Policy; Risk Analysis; Risk in Perspective; Smith Richardson Foundation; Routledge; Springer; Stanford University Press; Sustainability; Swiss National Science Foundation; World Resources Institute; Yale Law Journal; Yale University Press

PROFESSIONAL MEMBERSHIPS

American Bar Association
American Law Institute
American Political Science Association
American Society for Political and Legal Philosophy
Association for Public Policy and Management
Bar of the United States Supreme Court
Environmental Law Institute
Law and Society Association
Society for Benefit-Cost Analysis
State Bar of Michigan

06.07.23