

Tracy D. Hester
University of Houston Law Center
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Houston, Texas 77204
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EXPERIENCE

UNIVERSITY OF HOUSTON LAW CENTER, Houston, Texas

Associate Instructional Professor of Law, September 2020-present
Co-Director, Center for Carbon Management in Energy, 2018-present
Lecturer, May 2013- 2019
Visiting Assistant Professor, January 2010 – May 2013
Director, Environment, Energy & Natural Resources Center, January 2010-May 2013

ENVIRONMENTAL LAW INSTITUTE, Washington, DC

Scholar in Residence, Summer 2015

COMMISSION FOR ENVIRONMENTAL COOPERATION, Montreal, Quebec

Interim Director of Submissions on Enforcement Matters Unit, Summer 2014

BRACEWELL LLP, Houston, Texas

Partner, head of Houston environmental group, 1996-2010
Associate Attorney, 1993-1996

BAKER & BOTTS, Houston, Texas

Associate Attorney, 1989-1993

SIDLEY & AUSTIN, Washington, DC

Associate Attorney, 1986-1989

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D., 1986

Articles Editor, *Columbia Journal of Transnational Law*
International Fellow, Columbia University School of International and Public Affairs
Captain, Jessup Moot Court Team, 1985-1986
Teaching Assistant, International Law, Columbia University School of International
Public Affairs (Prof. Louis Henkin)

THE UNIVERSITY OF TEXAS AT AUSTIN, B.A. 1983

Honors: Plan II honors graduate (Phi Beta Kappa)
National Merit Scholar

COURSES TAUGHT

Environmental Law (2010-2016, 2018, 2019)
Statutory Interpretation and Regulatory Practice (2013-current)
Environmental Practicum (2014-current)
Climate Intervention Law (2019)
Natural Resources Damages Liability (2016)
Climate Change Law (2011, 2013, 2015, 2017, 2018)
Environmental Law in Oil & Gas (2017)
Environmental Enforcement (2004, 2008, 2010, 2012, 2014)
International Environmental and Energy Law (Universidade Catolica, Lisbon, Portugal – Nov. 2011)
Emerging Technologies and Environmental Law (2011)
Climate Change Liability and Litigation (2007)
Practice of Environmental Law (1992, 1995, 1998)
Advanced Hazardous Waste Law (1996)

PUBLICATIONS

Consent Decrees as Emergent Environmental Law, --- MISSOURI L. REV. --- (Fall 2020).

The Top Five Legal Barriers to Carbon Capture and Sequestration in Texas, University of Houston Energy Blog (reposted to Forbes Magazine's national blog), Nov. 21, 2019

Still Standing: The U.S.-Mexico-Canada Agreement and the Fate of the Commission on Environmental Cooperation, 50 TRENDS 6 (May/June 2019).

MASTERING ENVIRONMENTAL LAW (with Prof. Joel Mintz), (Carolina Academic Press 2019).

Managing the Carbon Challenge for the Energy Sector: An Outline of Potential Uses for Negative Emissions Technologies in Energy, University of Houston Energy White Paper Series No. 03.2018 (2018).

Transnational Liability in U.S. Courts for Environmental Harms Abroad, 64 ROCKY MOUNTAIN MINERAL LAW INSTITUTE ANNUAL PROCEEDINGS 27-1 (2018).

Climate Tort Federalism, 13 FLORIDA INT'L UNIVERSITY L. REV. 79 (2018) (Symposium Issue).

Abandoned But Not Forgotten: Improperly Plugged and Orphaned Wells May Pose Serious Concerns for Shale Development, co-authored with Prof. Bret Wells. Accepted for publication in MICHIGAN JOURNAL OF ENVIRONMENTAL AND ADMINISTRATIVE LAW (2018).

CLIMATE ENGINEERING AND THE LAW: REGULATION AND LIABILITY FOR SOLAR RADIATION MANAGEMENT AND CARBON DIOXIDE REMOVAL, co-editor with Prof. Michael Gerrard of

Columbia University (Cambridge University Press 2018). In addition to editing complete volume, authored chapters on climate engineering liability and policy recommendations.

Legal Pathways to Negative Emissions Technologies and Direct Air Capture of Greenhouse Gases, 48 ENVIRONMENTAL LAW REPORTER 10413 (2018). Published as chapter in LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES, ed. John Dernbach and Michael Gerrard (Environmental Law Institute Press 2018).

Criminalizing Catastrophe: An Analysis of Environmental Criminal Enforcement Activity After Reported Industrial Disasters. This white paper was supported by a grant from the Texas OneGulf Center of Excellence. (Summer 2018).

Going Negative: The Next Horizon in Climate Engineering Law, co-authored with Prof. Michael Gerrard, 32 NATURAL RESOURCES AND ENVIRONMENT 3 (Spring 2018).

The Paradox of Regulating Negative Emissions Technologies Under U.S. Environmental Laws, 1 GLOBAL SUSTAINABILITY 1 (2018) (peer reviewed law journal published by Cambridge University Press).

Green Statutory Interpretation and Environmental Courts and Tribunals, 29 ENVIRONMENTAL LAW MANAGEMENT 1 (2017) (invited manuscript; peer reviewed law journal). This article will also be included as a chapter in an upcoming book on environmental jurisprudence published by Edward Elgar Publishing.

Designed for Distrust: Revitalizing NAFTA's Environmental Submissions Process, 28 GEORGETOWN ENVIRONMENTAL LAW REVIEW 29 (2015).

Restating Environmental Law, 39 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 1 (Spring 2015). Lead author on article with Profs. Robert Percival, Irma Russell, Victor Flatt and Joel Mintz. The Environmental Law Institute published a redacted version in 32 THE ENVIRONMENTAL FORUM 38 (Jan./Feb. 2015) as its lead article.

Report to the NAFTA Commission for Environmental Cooperation's Secretariat on The Legality of Scoping Submissions on Enforcement Matters, prepared at request through the North American Conference of Legal Educators, March 21, 2014.

A Matter of Scale: Regional Climate Engineering and the Shortfalls of Multinational Governance, 3 CARBON AND CLIMATE LAW REVIEW 168 (2013).

A New Front Blowing In: State Law and the Future of Climate Change Public Nuisance Litigation, 31 STANFORD ENVIRONMENTAL LAW JOURNAL 49 (2012).

CLIMATE CHANGE GEOENGINEERING: LEGAL, POLITICAL AND PHILOSOPHICAL PERSPECTIVES (Oxford University 2012) (chapter on U.S. legal issues).

Private Claims for a Global Climate: U.S. and Indian Litigation Approaches to Climate Change and Environmental Harm, __ JOURNAL OF THE INDIAN LAW INSTITUTE __ (2012); presented at the *International Seminar on Global Environment and Disaster Management: Law and Society*, New Delhi, India, July 23, 2011. The seminar was jointly organized by the Supreme Court of India, the High Court of Delhi, the Indian Law Institute, the Ministry of Environment & Forests, and the Ministry of Law and Justice. This article was subsequently republished in the inaugural issue of the *International Journal of the National Green Tribunal* (New Delhi, 2014).

Remaking the World to Save It: Applying U.S. Environmental Law to Climate Engineering Projects, 38 ECOLOGY LAW QUARTERLY 851 (2011). This journal is the lead environmental law publication for Berkeley Law School, University of California.

NANOTECHNOLOGY: ENVIRONMENTAL LAW, POLICY, AND BUSINESS CONSIDERATIONS, American Bar Association SEER (2010), ed. L. Bergeson (chapter on hazardous waste requirements for nanomaterials).

Quiet So Far: A Muted Response to Allegations of the First Human Fatalities Linked to Nanoparticles, 40 ENV. LAW REPORTER 10,007 (2010).

THE NANOTECHNOLOGY DESKBOOK (co-authored with L. Bergeson) (Environmental Law Institute 2008).

Environmental Justice in Criminal Sentencing, AMERICAN BAR ASSOCIATION ENVIRONMENTAL CRIMES AND ENFORCEMENT NEWSLETTER, Vol. 4, No. 2, January 2003.

WORKS IN PROGRESS

Criminalizing Catastrophe: The Application of Environmental Criminal Law in the Aftermath of Industrial Disaster (in progress).

Subject-Matter Exceptionalism in Statutory Interpretation (draft presented at Vermont Law School's Environmental Colloquium; undergoing peer review for publication)

God's Work in Human Hands: The Evolving Role of Religiously Motivated Environmentalism Under U.S. Law (draft presented to Vermont Law School Environmental Law Colloquium in September 2017)

PRESENTATIONS AND SPEECHES

Superfund Task Force Report Stakeholder Workshops (host and organizer), briefing sessions with U.S. Environmental Protection Agency Office of Land and Emergency Management, jointly sponsored by the American College of Environmental Lawyers, the Association of American

Law Schools, and the American Bar Association's Section on Environment, Energy and Resources, June 26, July 17, and August 7, 2020.

Environmental Upgrade: Contrasts Between the USMCA and NAFTA, presentation to workshop hosted by Center for Environmental Cooperation (Montreal), webinar, June 24, 2020.

Climate Intervention Law and Governance: An Orientation, briefing to U.S. Congressional Staff and members, Woodrow Wilson Center for International Studies, webinar, June 22.

Climate Speech Law and Liability, webinar presentation for the University of Houston Center for Carbon Management in Energy, April 30, 2020.

Impacts of COVID-19 on the U.S. Energy Industry and Environmental Compliance, panel webinar presentation to American College of Environmental Lawyers, April 21, 2020.

Use of Federal Public Lands for Large-Scale CO₂ Sequestration, Workshop on Public Lands and Energy Transitions: Reimagining the Role of the Federal Estate as a Climate Solution, George Washington University School of Law, Washington, DC, March 12, 2020.

Domestic Regulation of Solar Radiation Management Technologies, Louisiana State University Paul M. Hebert School of Law, Feb. 14, 2020 (NIEHS grant).

Interplay of Climate Change and Atrocity Law, panelists, University of Houston Law Center, Feb. 4, 2020.

Legal Issues Arising from Climate Intervention and Energy Policy, Energy Unconference, Houston, Texas, Jan. 15, 2020.

Lessons Learned Between U.S. and Indian Climate Tort Litigation, and Importance of Environmental Rule of Law Initiatives, Global Environmental Sustainability Summit, Chandigahr University School of Law, Chandigahr, India, Nov. 17-18, 2019.

Law of Climate Intervention Regulation and Liability, Guest Lecture, Texas A&M University, Bryan Station, Texas, Nov. 7, 2019.

Update on Climate Change Tort Liability Litigation and Corporate Strategic Responses, Annual Conference of the American College of Coverage Counsel and the American College of Environmental Lawyers, Shephard Broad School of Law, Nova University, Ft. Lauderdale, Florida, Nov. 1, 2019.

Legal Requirements and Potential Barriers for Carbon Capture, Utilization, and Sequestration in the United States, presentation to Interdisciplinary Workshop on CCUS by University of Houston and Petroleum Research School of Norway, Sept. 24, 2019, Houston, Texas.

Domestic Laws to Govern Research on Solar Reflective Strategies, presentation to National Academy of Sciences workshop on Developing a Research Agenda and Research Governance

Approaches to Climate Intervention Strategies that Reflect Sunlight to Cool the Earth, Stanford University, Sept. 11, 2019.

Environmental Investigations, as part of the Engage the Expert podcast series, Environmental Law Institute, Washington, DC, July 24, 2019.

The Pros and Cons of Climate Intervention Technologies, as part of The CAP Impact Podcast with the McGeorge School of Law, May 13, 2019.

Panelist, *Low-Carbon Futures in the Energy Sector*, Summit on Low-Carbon Futures for Houston, Center for Houston's Future, Houston, Texas, June 6, 2019.

Update on Environmental Prosecutions After Industrial Disasters, presentation to American Fuel and Petrochemical Manufacturers Legal Meeting, Houston, Texas, June 5, 2019.

Moderator, *Legal Careers in Energy and Environmental Law*, UH Energy & Environmental Law Society, Houston, Texas, April 1, 2019.

Participant and speaker in tabletop disaster simulation exercise, UT-Medical Branch and Houston Local Emergency Preparedness Committee, Texas City, Texas, March 28, 2019.

Emerging Regional Frameworks to Govern Localized Climate Interventions, opening presentation, Public Environmental Interest Law Symposium, Levin College of Law, Florida State University, Gainesville, Florida, February 7, 2019.

The Future Role of the Environmental Submissions Process After the USMCA, panel presentation, workshop sponsored by Commission on Environmental Cooperation, Guadalajara, Mexico, Oct. 26, 2018.

Criminal Liability for Environmental Disasters in a Climate-Changed World, presentation and panel discussion, American Bar Association Section on Environment, Energy & Resource's Fall conference, San Diego, California, Oct. 19, 2018.

Consent Decrees as Common Law, presentation at Vermont Law School Environmental Law Colloquium, South Royalton, Vermont, Sept. 22, 2018.

The Role of Negative Emissions Technologies in Energy Production, opening presentation at NETs in Energy Workshop, University of Houston, Houston, Texas, Sept. 14, 2018.

Abandoned But Not Forgotten: Improperly Plugged and Orphaned Wells May Pose Serious Concerns for Shale Development, workshop presentation (with Prof. Bret Wells), Paul Hebert School of Law, Louisiana State University, Baton Rouge, Sept. 7, 2018.

Applying Environmental Laws to Climate Engineering and Carbon Management, invitational lecture at Paul Hebert School of Law, Louisiana State University, Baton Rouge, Sept. 6, 2018.

Transnational Liability in U.S. Courts for Environmental Harms Abroad, presentation at 2018 Rocky Mountain Mineral Law Annual Institute, Victoria, British Columbia, July 21, 2018.

Artificial Intelligence, Environmental Law, and Ethical Obligations, presentation to Houston Bar Association Environmental Law Section, Houston, Texas, May 16, 2018.

NAFTA Renegotiation and Energy – Where Are We Now and Where Will We Be?, moderator and presenter in panel discussion, North American Environment, Energy and Natural Resources Conference, Houston, Texas, May 3, 2018.

Emerging Uses of Artificial Intelligence and Machine Learning in Environmental Law, presentation at *Artificial Intelligence and the Law* conference, Vanderbilt Law School, April 20, 2018.

Opportunities and Updates on Environmental Law and Administrative Practice, panel moderator and speaker, Federalist Society, University of Houston Law Center, April 2, 2018.

Participant and speaker in tabletop disaster simulation exercise, Houston Local Emergency Preparedness Committee, March 22, 2018.

Recent Developments in the Public Trust Doctrine in Texas, Maurice Shapiro Symposium, George Washington University Law School, Washington, DC, March 16, 2018.

Climate Change Litigation: How Has It Evolved and What Can Energy Companies Expect?, panelist, Center for American and International Law's 69th Annual Oil & Gas Law Conference, Houston, TX, Feb. 15, 2018.

Hearing Testimony on Challenges Facing Superfund and Waste Management Clean-up Efforts After Natural Disasters, Subcommittee on Superfund, Waste Management and Regulatory Oversight of the U.S. Senate Committee on Environment and Public Works, Washington DC, December 6, 2017.

End Times in the Permian: Death of OPEC?, speaker and moderator, University of Houston Energy Symposium, Houston, Texas, Nov. 16, 2017.

Environmental Law in Times of Disaster, moderator and presenter in panel discussion, Environmental Law Symposium, Bracewell LLP, Houston, Texas, Nov. 9, 2017.

Climate Tort Federalism, presentation at Environmental Federalism Workshop, Florida International University School of Law, Miami, Florida, Oct. 20, 2017.

Regional Governance Options for Regulating Climate Engineering, moderator and speaker, Climate Engineering Conference 17, Berlin, Germany, Oct. 11, 2017.

God's Work in Human Hands: The Evolving Role of Religious Environmentalism Under U.S. Law, presentation at Colloquium on Environmental Scholarship, Vermont Law School, South Royalton, Vermont, Sept. 23, 2017.

“Overview of Legal Implications of Carbon Dioxide Removal Technologies,” presentation at *Climate Engineering Research Registry: Disclosure Mechanisms and Best Practices* workshop hosted by the Carnegie Endowment for International Peace and The Forum on Climate Engineering Assessment, Washington, DC, July 18, 2017.

Organized and moderated panel discussion on *The Law of Climate Engineering*, (with Dr. David Keith, Prof. Michael Gerrard, and Prof. Anthony Chavez), Natural Resource Law Teachers Institute, Rocky Mountain Mineral Law Foundation, Banff, Canada, June 2, 2017.

Application of Domestic Environmental Laws to Solar Radiation Field Experiments, at Geoengineering Research Governance Workshop, Oxford Martin School, Oxford University, Oxford, England, June 22, 2017.

The Paradox of Regulating Negative Emissions Technologies Under U.S. Law, presentation at workshop on “The Politics and Governance of Negative Emissions Technologies, Between the Paris Agreement and the Anthropocene,” Utrecht University, Utrecht, the Netherlands, June 15, 2017.

Regulating Climate Engineering Through Environmental Intervention Law, presentation at Research Roundtable on Global Climate Change Governance, Northwestern University Pritzker School of Law, Chicago, Illinois, May 19, 2017.

Lead speaker at panel presentation on Emerging Issues in Environmental and Energy Law Under the Trump Administration, South Texas College of Law Houston, Houston, Texas, April 18, 2017.

Green Statutory Interpretation and Environmental Courts and Tribunals, presentation at the International Symposium on Environmental Adjudication in the 21st Century, hosted by the International Forum of Environmental Judges, Auckland, New Zealand, Apr. 11, 2017. Led subsequent panel and paper presentation regarding judicial process implications of environmental adjudication at follow-up workshop on Environmental Adjudication in the 21st Century hosted by Edward Elgar Publishing, at the Environmental Court of New Zealand, Auckland, New Zealand, April 12, 2017.

Public Health, Environmental Law, and Predictive Disaster Strategies, presentation at the World Conference on Environment – 2017, hosted by the National Green Tribunal of India, Vigyan Bhawan, New Delhi, March 25-26.

Moderated and presented at *Reopening NAFTA: What Will Happen to Environmental Cooperation Between Us?*, Workshop on “NAFTA, Jobs and the Environment” hosted by the North American Conference of Legal Educators, George Washington University School of Law, Washington, DC, March 17, 2017.

Presentation on “U.S. Law and Solar Radiation Management Field Experiments”, Workshop on Climate Engineering Governance, Carnegie Center for Environmental and International Peace, New York City, New York, Feb. 16, 2017.

Moderated panel on “Environmental Implications of Reopening NAFTA”, North American Energy Summit, University of Houston Law Center, Houston, Texas Feb. 23, 2017.

Presentation on *Environmental Law Implications and Applications to Emerging Technologies (Nanomaterials, Synthetic Biology and Climate Engineering)*, at Workshop on Carbon Dioxide Removal/Negative Emissions Technologies, Forum on Climate Engineering Assessment, at Berkeley School of Law, University of California, Berkeley, California, Feb. 9, 2017.

Presentation on *Instant Cities and Transient Sources: Environmental Law and Major Sports Events*, Superbowl of CLE, University of Houston Law Center, Houston, Texas, Feb. 3, 2017.

Presentation on The Law of Direct Air Capture and Negative Emissions Technologies, Workshop on the Legal Issues of the Deep Decarbonization Pathways Project, Columbia University School of Law, New York City, New York, Oct. 21, 2016.

Moderator and Organizer, *Annual Workshop on Texas Water Law and the Endangered Species Act*, University of Houston Law Center, Houston, Texas, Oct. 14, 2016.

Presentation on *Environmental and Energy Implications of the Presidential Election Outcome*, BNA Energy Summit, Houston, Texas, Oct. 4, 2016.

Presentation on *Subject-Matter Exceptionalism in Statutory Interpretation*, Colloquium on Environmental Scholarship, Vermont Law School, South Royalton, Vermont, Sept. 23, 2016.

Moderated and participated in panel on *The Future of the Clean Power Plan*, Energy Symposium at University of Houston, Houston, Texas, Sept. 20, 2016.

Presentation on *Direct Air Capture Technology and U.S. Environmental Law*, at the Closing the Carbon Cycle symposium, Arizona State University, Tempe, Arizona, Sept. 30, 2016.

Presentation on *NAFTA and the TransPacific Partnership: Environmental Implications*, Energy Symposium on Latin America and the United States, University of Houston Law Center, Houston, Texas, Sept. 16, 2016.

Presentation of Recommendations and Advice of EPA National Advisory Committee on NAAEC to the Council of the Commission for Environmental Cooperation, Annual Meeting of Ministers of U.S., Mexico, and Canada, Merida, Mexico, Sept. 8, 2016.

Environmental Statutory Interpretation, presentation at Academy of Environmental Law Colloquium, International Union of Conservation Naturalists, Oslo, Norway, June 21, 2016.

Presentations and meetings to national bar and legal entities of Haiti, with delegation of the American College of Environmental Lawyers, Port-Au-Prince, Haiti, May 30-June 2, 2016.

Invitation meeting of authors for Legal Aspects of Deep Decarbonization Pathway Project, Columbia University School of Law, New York City, New York, May 23, 2016.

Legal and Moral Implications of Climate Change for the Energy Sector, plenary presentation to the annual meeting of the Association of International Petroleum Negotiators, The Woodlands, Texas, May 11, 2016.

Moderated and spoke at panel on *Emerging Theories of Climate Change Liability*, University of Houston Law Center, Houston, Texas, April 21, 2016.

Speaker and organizer, *Climate Change Resiliency and Planning Workshop for Houston and Gulf Coast Region*, workshop at the Association of Industrial and Chemical Engineers, Houston, Texas, April 12, 2016.

Speaker, *Impact of the Paris Agreement on Houston and U.S. Climate Policy*, annual conference of the Citizens Environmental Coalition, Houston, Texas, March 24, 2016.

“Comparing Environmental Enforcement Review Under the Trans-Pacific Partnership and NAFTA’s Environmental Side Agreement”, North American Conference of Legal Educators, annual conference, Monterrey, Mexico, March 12, 2016.

“The Emerging Law of Ocean Engineering,” presentation to the International Conference on Sustainability and Economic Development hosted by UNESCO and India’s National Green Tribunal, New Delhi, India, March 6, 2016.

“Experiential Teaching in Environmental Law Classes,” American Association of Law Schools annual conference, New York City, January 8, 2016.

“U.S. Supreme Court Update: Air Pollution After *Michigan v. EPA*,” University of Houston Law Center CLE Series, July 28, 2015.

“Local Laws, Global Liability: How Domestic Laws Can Apply to Transnational Impacts of Climate Engineering,” presented at *Climate Engineering Conference 14*, Berlin, Germany, August 2014.

“Geoengineering Regulation Using Domestic Law,” Summer Geoengineering Institute, Harvard University, August 2013.

“Still Speaking Truth to Power? Revisions to the NAFTA CEC Environmental Submissions Process,” International Seminar on Human Rights and Environmental Justice, National Commission on Human Rights of Mexico, Mexico City, Sept. 26, 2012.

“Ethical Issues When The Lawyer is the Environmental Crimes Target,” presentation to the Houston Bar Association Environmental Section, Oct. 10, 2012.

“Private Claims for a Global Climate: U.S. and Indian Litigation Approaches to Climate Change and Environmental Harm,” Presentation to International Seminar on Global Environment and Disaster Management hosted by the State Department of India, New Delhi, July 23, 2011.

Participated in numerous academic conferences, including: Rocky Mountain Mineral Law Foundation annual conferences in 2011 and 2012 (Calgary and Los Angeles; attended 2012 conference as trustee representing UHLC); Widener Law School Workshop on Environmental Constitutional Law in Wilmington, Delaware on May 2012; moderated a panel on the impacts of shale gas production in the Eagle Ford shale at the UH and *Texas Tribune's* Symposium on Energy & the Environment on Apr. 13 at the University of Houston; keynote speaker at Air & Waste Management Association conference on clean air act issues, Jan. 12, 2012; AALS annual meetings in New Orleans (2010), San Francisco (2011) and Washington, DC (2012); ABA annual environmental conferences in Salt Lake City (2010, 2011, 2012), New Orleans (Fall 2010; moderated Environmental Enforcement panel with senior EPA and DOJ enforcement attorneys); Texas Environmental Superconference (2010, 2011, 2012); AALS conference of Natural Resource Law Teachers in Portland, Oregon (2011); annual meetings of the American Law Institute in 2010 - 2012 (Washington, DC and San Francisco).

"Climate in the Courts: Climate Change Liability and Litigation," 13th Annual Hot Air Topics Conference, Air & Waste Management Association, Houston, January 14, 2010.

"Fifth Circuit Decision Threatens a Tsunami of Climate Change Tort Cases While the Defense Bar Awaits a Circuit Split," Environmental Law Update, October 22, 2009.

"City of Houston Air Quality Authority: A Dialogue on Air Toxics," Hot Air Conference, American Waste Management Association, Houston, Texas, 2007.

"Environmental Legal Requirements for Nanomaterials," Texas Environmental Superconference, Austin, Texas, 2007.

"*Massachusetts v. EPA*: Preliminary Thoughts and Forecasts," Federal Bar Association, Houston, Texas, 2007.

"Keystone Cornerstones: Fundamentals for the New Environmental Attorney," organizer and moderator, Annual Meeting of ABA Section on Environment, Energy and Resources, Keystone, Colorado, both 2007 and 2008.

"RCRA Regulation of Wastes from the Production, Use, and Disposal of Nanomaterials," White Paper for Presentation to EPA Office of Solid Waste and Emergency Response, American Bar Association, Section of Environment, Energy, and Resources, June 2006.

"New World of Nanowaste: Review of Regulations, Positions, Policies, and Actions Related to Nanotechnology," Environmental Impact of Nanotechnology Workshop, EPA OSWER, Washington, DC, 2006.

"Small Stuff, Big Challenges: Applying Environmental Laws to the New World of Nanoscale Materials," American Bar Association, Section of Environment, Energy and Resources Annual Meeting, October 7, 2004.

"Life Ain't So Simple: Environmental Regulation and Permitting for Renewable Energy Projects," Texas Environmental Superconference, August 5, 2004.

"Jurisdictional Wetlands Under the Clean Water Act," Greater Houston Builders Association, Houston, Texas, April 5, 2004.

"Nanotechnology in the Transitional Age: Potential Legal Requirements and Future Liabilities," Rice CASE Media Fellowship, Rice Center for Biological and Environmental Nanotechnology, March 16, 2004.

Environmental Justice in Criminal Sentencing, AMERICAN BAR ASSOCIATION ENVIRONMENTAL CRIMES AND ENFORCEMENT NEWSLETTER, Vol.4, No. 2, January 2003.

"Nanotechnology in the Transitional Age: Potential Legal Requirements and Future Liabilities," Nanodays 2003 Conference, Rice Center for Biological and Environmental Nanotechnology, October 13, 2003.

"Nanotechnology and Environmental Liabilities," NanoDays 2002 Conference, Rice University Center for Environmental and Biological Nanotechnology, Houston, Texas, September 2002.

"Trends in the Criminal Enforcement of Environmental Laws," Federal Bar Association, South Texas Chapter Meeting Houston, Texas, June 20, 2002.

"The Practice of Environmental Law," University of Houston Environmental Law Society, Houston, Texas April 4, 2002.

"Environmental Criminal Enforcement," NAELS, Houston, Texas, March 23, 2001.

"Corrective Action Strategies," The Advanced RCRA Institute, Government Institutes New Orleans, Louisiana, October 2-5, 2000.

"Environmental Criminal Enforcement," Texas Water Law Conference, Houston, Texas, May 4-5, 2000.

"RCRA: What It Means in Day-to-Day Operations," Environmental Compliance Bootcamp, Government Institutes, Greensburg, Pennsylvania, February 8-10, 2000.

New World, New Laws: Preparing to Advise Clients on Global Warming Legal Policies and Strategies, HOUSTON BAR ASSOCIATION JOURNAL, 1999.

"RCRA Corrective Action Program and Administrative Reform Initiative," Environmental Roundtable, Houston, Texas, September 23, 1999.

"Update on RCRA Corrective Action Strategies and Texas Risk Reduction Program," Environmental Roundtable, September 23, 1999.

"U.S. Environmental Laws & Regulations Course," CERCLA Update, Government Institutes, San Antonio, Texas, June 22-24, 1999.

"Practical Strategies for Environmental Compliance in Texas," Government Institutes, Houston, Texas, November 5-6, 1998.

"EPCRTKA-6 New Categories," 9th Annual Environmental Law Conference, Houston, Texas, April 23-24, 1998.

"CERCLA for the Next Century: Cleanups Amidst Creative Chaos," Government Institutes, Houston, Texas, November 6, 1997.

"A Report on Reporting Requirements: An Update on Activity Under EPCRA," Environmental Law Institute, South Texas College of Law of Texas A&M University, Houston, Texas, April 23-24, 1997.

"Management Strategies for Environmental Compliance," Government Institutes, San Antonio, Texas, January 27-29, 1997.

"Texas Voluntary Cleanup Program and the Texas EPA Agreement: A Prototype for Other State Voluntary Cleanup Programs," American Gas Association, 1996 Comprehensive MGP Management Symposium, September 12, 1996.

"Environmental Liabilities and Effective Management Strategies to Protect Yourself and Your Company," Government Institutes, San Antonio, Texas, February 12, 1996.

"Environmental Liabilities and Effective Management Strategies to Protect Yourself in Today's Oil and Gas Industry," Government Institutes, New Orleans, Louisiana, December 4-5, 1995.

"Cleaning Up Calamities, Environmental Issues in Plant Disasters: Federal Law," Major Workplace Incidents Seminar, Houston, Texas, September 7, 1995.

BAR AND COURT ADMISSIONS

Bars: District of Columbia
New York
Texas

Court Admissions: U.S. Courts of Appeals for the 5th and District of Columbia Circuits
U.S. District Court for the Southern District of Texas

AFFILIATIONS

Legal Affiliations

American College of Environmental Lawyers

Inducted 2015; elected as Regent, 2018-2021

Chair, Education Committee 2019-2020; chair, Academics Workgroup, 2018-present

American Law Institute

Elected 2004

Coordinator of ad hoc workgroup on environmental law project proposals

Energy Fellow, University of Houston System, 2016

North American Consortium on Legal Education

Workgroup for evaluation of effectiveness of NAFTA CEC environmental petition process (co-leader with Prof. Lee Paddock), 2016

American Bar Foundation, Fellow

Texas Bar Foundation, Fellow

Houston Bar Association, Fellow

State Bar of Texas Honors College

Nanotechnology Standards Panel of the American National Standards Institute

Steering Committee

International Council on Nanotechnologies, Advisory Committee, Rice University

Houston Local Emergency Preparedness Committee, Pro Bono Counsel, 1998-2004

Bar Affiliations

American Bar Association, Section on Environment, Energy and Resources:

SEER Council, 2011-14

Co-Chair, Committee on Climate Change, Sustainable Development and Ecosystem Services, 2018-current

Co-Chair, Committee on Law Professors, 2016-2018

Co-Chair, Special Committee on Congressional Relations, 2014-2016

Chair, Task Force for Young Lawyers, 2011-2012

Chair, Environmental Crimes and Enforcement Committee, 2008-2010

Vice-Chair, Renewable Energy Committee, 2004-2008

Vice-Chair, Corporate Counsel Committee, 1999-2000

Houston Bar Association

Chair of Environmental Section, 2000-2001

State Bar of Texas Environment & Natural Resources Section

Civic Affiliations

Texas Environmental Research Consortium, Chair, 2014-present
Texas Clean Air Working Group, Co-chair, 2014-2016
Houston Audubon Society, Board of Directors 2018- present; Board of Advisors, 2011-2018.
Greater Houston Partnership:
 Vice-Chair, Environmental Policy Advisory Committee, 1999-2018
 Waste Subcommittee Chair, 1999-2003
Galveston Bay Foundation, Trustee, 2004-2010
Texas Risk Reduction Program Advisory Group, Steering Committee, 2004-2016
Representative, Houston Ship Channel Dioxin TMDL Stakeholders Group
Galveston Bay Council, member, 2004-2006
Texas Association of Environmental Professionals, Board of Directors, 2004
Virtuosi of Houston, Board of Directors, 2002-2005

Noteworthy

Co-Director, Center for Carbon Management in Energy, University of Houston Law Center,
 2018-present
Scholar in Residence, Environmental Law Institute, 2015
Interim Legal Director, Submittals on Environmental Matters Unit, Secretariat of NAFTA
 Commission on Environmental Cooperation, Montreal, Quebec, June 2014
U.S. EPA's National Advisory Committee for NAFTA, 2014 - present
Environmental Lawyer of the Year for Houston, Best Lawyers of America, 2011
Chambers USA: America's Leading Business Lawyers, Environmental, 2003-2012
Highly Recommended Individual Attorney, Practical Law Company, Environmental Law 2009-
 2011
Best Lawyers in America, 2006-2019
Super Lawyers, Corporate Counsel Edition, 2009
Texas Super Lawyers, 2003-2009

REFERENCES

Victor B. Flatt
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John Cruden
Beveridge & Diamond LLC
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