

RICHARD W. PARKER

Connecticut Office
UCONN School of Law
55 Elizabeth St.
Hartford, CT 06105
(860) 570-5231 (office)
email: richard.parker@uconn.edu

D.C. Office
3807 T Street, NW
Washington, DC 20007
(202) 258-2617 (mobile)
email: richardparkerdc@gmail.com

ACADEMIC APPOINTMENTS

Professor of Law, University of Connecticut School of Law, 1999-Present.
Policy Director, Center for Energy and Environment Law, 2010-Present.

Associate Professor, University of Connecticut School of Law, 1995-99.
Visiting Professor, Georgetown University Law Center, Spring and Fall 2000.

Courses taught: Administrative Law, Environmental Law, International Environmental Law,
Advanced Topics in Regulation and Legislation, Trade and Environment.

EDUCATION

Yale Law School, J.D. (1985)

Oxford University, D.Phil. Politics/International Relations (1982)
Rhodes Scholar

Princeton University, Princeton School of Public and International Affairs (1978)
Phi Beta Kappa, magna cum laude

GOVERNMENT EXPERIENCE

Assistant General Counsel, Office of U.S. Trade Representative (1986-1989)

Represented the United States in GATT litigation and related negotiations -- winning one case and negotiating favorable settlements of others. Represented OUSTR in the inter-agency task force to promote international participation in the stratospheric ozone regime (Montreal Protocol), and provided legal advice on a range of trade and environment issues.

Special Counsel to the Deputy Administrator, EPA (1993-1994)

Assisted the Deputy Administrator in overseeing the agency's domestic and international environmental programs, helping to coordinate the agency's science and regulatory assessment policy, developing EPA's response to legislative "reform" proposals, and assisting the Deputy Administrator in negotiating and overseeing the establishment of the North American Commission for Environmental Cooperation under the NAFTA.

Trade and Environment Policy Coordinator, EPA (1994-95)

After the departure of the Deputy Administrator, managed a 15-person inter-office task force charged with developing and implementing EPA policy on trade and environment issues, including work on the reformulated gasoline dispute, the beef hormones case, environmental labeling in the US and Europe, environmental subsidies, and agricultural subsidies.

Represented EPA and the US Government in international deliberations within the WTO Committee on Trade and Environment and OECD Trade and Environment Joint Experts Group.

GOVERNMENT CONSULTING EXPERIENCE

Convener and Facilitator, Negotiated Rulemaking Proceeding, U.S. Department of Energy (2011 - 2012). Convened and facilitated the U.S. Department of Energy's Negotiated Rulemaking proceeding. On a short timetable driven by a court-ordered deadline, led the group to consensus on heightened energy efficiency standards for medium-voltage transformers while significantly narrowing the range of stakeholder disagreement over efficiency standards for remaining categories of transformers. The exercise also improved the quality of the Department's technical analysis, and promoted eventual of the agency final rule without legal challenges.

Convener and Facilitator, Negotiated Rulemaking Proceeding, U.S. Department of Transportation, Federal Motor Carrier Safety Administration (Fall 2014 – Spring 2015). Convened and facilitated a successful negotiated rulemaking proceeding in which a multi-stakeholder group reached consensus on terms of a proposed rule to establish federal minimum training standards for entry-level drivers of commercial motor vehicles nationwide on a very tight timetable mandated by a court-ordered deadline.

Convener and Facilitator, Negotiated Rulemaking Proceeding, U.S. Department of Transportation (Jan. – Nov. 2016). Convened and chaired a large multi-stakeholder group in a successful negotiated rulemaking that reached consensus on terms of a proposed new rule to enhance the accessibility of commercial aircraft for passengers with disabilities.

Advice to Negotiators of Trans-Atlantic Trade and Investment Partnership (TTIP) (Sept. 2013 – May 2016)

Advised European Commission on a wide range of legal and policy matters relating to the negotiation of the Regulatory Cooperation chapter of TTIP, a proposed free trade agreement between the EU and US. Co-authored a widely-read comparative analysis of the EC and US legislative and regulatory systems, respectively, followed by three case studies in successful international regulatory cooperation.

Expert Advisor, Panels on Rulemaking Reform (2008)

Participated in two large-scale scholarly collaborations that generated consensus recommendations on U.S administrative law and process reforms, embodied in two major reports:

- *The Future of Federal E-Rulemaking: Report to Congress and the President by the Committee on the Status and Future of Federal E-Rulemaking* (2008) (recommendations for rulemaking reform for the electronic age).
- *Advancing the Public Interest through Regulatory Reform: Recommendations to the President and Congress* (Nov. 2008) (offering regulatory reform proposals for the Obama transition team).

PRIVATE PRACTICE EXPERIENCE

Associate, O'Melveny & Myers (1989-1993)

Specialized in appellate litigation and administrative practice in environmental law and policy issues.

PROFESSIONAL AFFILIATIONS

American Bar Association, Council Member and Section Delegate to the ABA House of Delegates, Chair of the Environment and Natural Resources Committee (2018 to present).

American Bar Association, Section on Administrative Law and Regulatory Practice, Council Member, Chair of the Committee on Collaborative Governance (2006-2009).

SELECTED PUBLICATIONS, REPORTS, TESTIMONY

Lessons from New Zealand's COVID-19 Success: The United States might well have saved many lives by following New Zealand's science-based playbook, THE REGULATORY REVIEW, June 9, 2020, available online at <https://www.theregreview.org/2020/06/09/parker-lessons-new-zealand-covid-19-success/>.

Punishing the Innocent: Congress should not sabotage regulatory authorizations with sunset provisions, THE REGULATORY REVIEW, Mar. 10, 2020, available online at <https://www.theregreview.org/2020/03/10/parker-punishing-innocent/>.

The Faux Scholarship Foundations of the Regulatory Rollback Movement, 45 Ecol. L. Quarterly 845 (2019) (detailed critique of two highly influential studies that employ flawed economic analysis to allege that federal regulations cost the economy \$2 trillion per year).

Hyping the Cost of Regulation, The Regulatory Review (June 25, 2018), available online at <https://www.theregreview.org/2018/06/25/parker-hyping-the-cost-of-regulation/> (summarizing in five pages the key findings of the lengthy *Faux Scholarship* study).

Grading the Government, 70 U. Chi. L. Rev. 1345 (2003) (detailed methodological critique of three prominent studies that employ flawed methods of economic analysis to “prove” that many EPA regulations fail cost-benefit analysis, followed by guidance on how the agency can more effectively preempt and refute such attacks).

Three Case Studies in International Regulatory Cooperation, Report Prepared for the European Commission in Support of Negotiations on the Trans-Atlantic Trade and Investment Partnership (May 2016) (with Neil Eisner).

A Comparative Overview of EU and US Legislative and Regulatory Systems: Implications for Domestic Governance and the Transatlantic Trade and Investment Partnership, 22 Colum. J. Eur. L. 61 (2015).

Four Challenges for TTIP Regulatory Cooperation, 22 Colum. J. Eur. L. 1 (2015).

The Empirical Roots of the Regulatory Reform Movement: A Critical Appraisal, 58 Admin. L. Rev. 37 (2006).

Regulatory Policy, Ch. 7 of *Developments in Administrative Law and Regulatory Practice, 2002-2003* (American Bar Association 2004).

The Case for Environmental Trade Sanctions, 7 Widener Law Symposium J. 21 (2001).

The Problem with Scorecards: How (And How Not) To Measure the Cost-Effectiveness of Economic Sanctions, 21 Mich. J. Int'l. L. 235 (2000).

On the Cost-Effectiveness of Economic Sanctions, 32 Law & Pol. Int'l Bus. 21 (2000).

The Use and Abuse of Trade Leverage to Protect the Global Commons: What We Can Learn from the Tuna-Dolphin Conflict, 12 Geo. Int'l. Env'tl. L. Rev. 1 (1999).

Greenhouse Gas Emissions Trading and the WTO Subsidies Agreement, Report prepared for the Emissions Trading Research Project convened by the H. John Heinz III Center for Science, Economics and the Environment (1998).

Choosing Norms to Promote Compliance and Effectiveness: The Case for International Environmental Benchmark Standards, in E. Brown-Weiss (ed.), *International Compliance with Non-binding Accords* (American Society of International Law 1998)

The Proposed WEPCo Rule: Making the Problem Fit the Solution, 22 Environmental Law Rep. 10201 (March 1992) (co-authored with Richard E. Ayres).

SELECTED PRESENTATIONS

Agency Justification Strategies for Regulation and De-Regulation: Battlegrounds and Best Practices, Paper presented at the ABA Administrative Law Section Fall Conference Washington, DC (Nov. 1, 2018).

The Faux Scholarship Foundations of the Regulatory Rollback Movement, Remarks at the American Association of Law School's Panel on the "Never Ending Assault on the Administrative State?" San Diego, CA (Jan. 3, 2018).

FAA-EASA Cooperation in Regulating Aviation Safety, Paper presented to the George Washington University, Regulatory Studies Center, Conference on "US/EU International Regulatory Cooperation in Practice," Washington, DC (Sept. 15, 2016).

The Pros and Cons of Negotiated Rulemaking, Remarks at "ACUS Workshop on Negotiated Rulemaking," Administrative Conference of the United States (Washington DC, August 11, 2016).

Remarks on Administrative Litigation and Administrative Law, Remarks as moderator at Yale Law School Panel on Administrative Law and Litigation, 2016 Comparative Administrative Law Conference. Yale Law School, New Haven, CT. (April 29-30, 2016).

The Emergence of Transnational Administrative Law in TTIP, Paper presented at the International Law Association conference on “Global Problems, Legal Solutions, Challenges for Contemporary International Lawyers,” New York, NY (Nov. 6, 2015).

The Renaissance of Reg-Neg?, Remarks to the ABA Administrative Law Section Fall Conference, Washington, DC (Oct. 29, 2015).

Transparency and Public Participation in Lawmaking: A US-EU Comparative Perspective, Paper presented to the Stanford Center on Democracy, Development and the Rule of Law (CDDRL) workshop on “Democratic Politics in the Age of Transparency,” Stanford University Law School, Palo Alto, CA (June 9, 2015).

Toward a Decision Process for TTIP Regulatory Cooperation, Paper presented at the American Association of Law Schools’ Annual Meeting Panel on “The Future of EU-US Trade Relations: Assessing the Transatlantic Trade and Investment Partnership (TTIP),” Washington, DC (Jan. 5, 2015).

Achieving Trans-Atlantic Regulatory Cooperation: The Challenge of Meshing Disparate Systems, Paper presented at the ABA Administrative Law Section Fall Conference Panel on The Globalization of Administrative Law: Regulatory Cooperation in the US-EU TTIP and Beyond, Washington, DC (Nov. 7, 2013).

Collaborative Governance: Insights from the DOE Negotiated Rulemaking for Energy Efficiency Standards for Distribution Transformers, Paper Presented at the ABA Administrative Law Section Fall Conference Panel on Negotiated Rulemaking, Washington, DC (Oct. 26, 2012).

Amending Executive Order 12866: Good Governance or Regulatory Usurpation?, Statement of Richard W. Parker before the Subcommittee on Investigations and Oversight of the House Science and Technology Committee (April 26, 2007).

Science at EPA and FDA, Remarks at the Symposium on the Role of Science in Rulemaking, A Symposium Sponsored by the House Judiciary Committee, Washington, DC (May 9, 2006).

The Value of Life in Regulation: Science or Policy?, Panel presentation at ABA Administrative Law Section Fall Conference, October 21, 2004 (Washington, DC).

Monetizing Life and Health in Regulatory Assessment, Remarks to the ABA Administrative Law Section, San Francisco, CA (August 10, 2003).

Cost-benefit Analysis and the Administrative State, Address to the Spring Meeting of the ABA Administrative Law Section, Philadelphia, PA (February 3, 2002).

The Case for Environmental Benchmark Standards, Paper presented to the Workshop on Global Change and Compliance with Nonbinding Legal Accords (May 8-10, 1996) (examining the potential benefits of sectoral agreements in the climate regime).