

Implications of Recent Supreme Court Decisions for Agency Decision-Making

A Workshop

APRIL 7-8, 2025

Room 100
National Academies Keck Center
500 Fifth Street, NW
Washington, DC 20001



MEMBERS OF THE WORKSHOP PLANNING COMMITTEE

Richard A. Meserve (*Co-chair*) (NAE), Senior Of Counsel, Covington & Burling LLP

William B. Schultz (*Co-chair*), Partner, Zuckerman Spaeder LLP

Susan E. Dudley, Distinguished Professor of Practice, The George Washington University

David Goldston, Director, Washington D.C. Office, Massachusetts Institute of Technology

Adam Jaffe, Fred C. Hecht Professor in Economics Emeritus, Brandeis University

Goodwin Liu, Associate Justice, Supreme Court of California

Ann Rosenthal, Associate Solicitor for Occupational Safety and Health Administration (ret.), U.S. Department of Labor

Barbara Schaal (NAS), Mary-Dell Chilton Distinguished Professor, Washington University in St. Louis

Daniel Walters, Associate Professor of Law, Texas A&M University School of Law

Diane Wood, Director, The American Law Institute and Senior Lecturer in Law, University of Chicago Law School

NATIONAL ACADEMIES STAFF

Anne-Marie Mazza, Senior Director, Committee on Science, Technology, and Law

Steven Kendall, Senior Program Officer, Committee on Science, Technology, and Law

Renee Daly, Senior Program Assistant, Committee on Science, Technology, and Law

AGENDA

Monday, April 7, 2025

- 8:30 AM *** **Continental Breakfast Available**
- 9 AM** **Welcome**
National Academies' Committee on Science, Technology, and Law Co-chair:
Martha Minow, Harvard Law School (virtual)
- 9:05 AM** **Overview of Workshop: Focus and Purpose**
Workshop Planning Committee Co-chairs:
Richard A. Meserve, Covington & Burling LLP
William B. Schultz, Zuckerman Spaeder LLP
- 9:15 AM** **Keynote Addresses (Overview of Recent Supreme Court Decisions and Overview of Regulatory Science)**
Moderator: Barbara Schaal, * * Washington University in St. Louis
Speakers: Thomas W. Merrill, Columbia University School of Law
 Jonathan Samet, University of Colorado (virtual)
- 10 AM** **Q&A**
- 10:20 AM** **Break**
- 10:40 AM** **Session 1: Moving Regulation Forward – Agency Opportunities and Concerns**
Moderator: William B. Schultz, * * Zuckerman Spaeder LLP
Speakers: **National Highway Traffic Safety Administration**
 Ann Carlson, University of California, Los Angeles School of Law
 U.S. Environmental Protection Agency
 George Gray, The George Washington University
 U.S. Department of Agriculture
 Brian Ronholm, Consumer Reports
 National Oceanic and Atmospheric Administration
 Andrew A. Rosenberg, University of New Hampshire
 U.S. Food and Drug Administration
 Patricia Zettler, The Ohio State University Moritz College of Law
- 11:50 AM** **Q&A**
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Monday, April 7, 2025

12:15 PM	Lunch
1:15 PM	Session 2: Office of Information and Regulatory Affairs Moderator: Susan E. Dudley, ** The George Washington University Speakers: Paul J. Ray, The Heritage Foundation Howard Shelanski, Davis Polk & Wardwell LLP and Georgetown Law
2:00 PM	Q&A
2:20 PM	Session 3: Impact on Regulated and NGO Communities – Health, Safety, and Consumer Protection Moderator: Ann Rosenthal, ** Occupational Safety and Health Administration, U.S. Department of Labor (retired) Speakers: Matthew J. Ginsburg, American Federation of Labor and Congress of Industrial Organizations Dan Troy, Berkeley Research Group David C. Vladeck, Georgetown Law
3:20 PM	Q&A
3:40 PM	Break
4 PM	Session 4: Impact on the Lower Courts Moderator: Diane Wood, ** The American Law Institute and University of Chicago Law School Speakers: David J. Barron, U.S. Court of Appeals for the First Circuit Neomi J. Rao, U.S. Court of Appeals for the District of Columbia Circuit David S. Tatel, Hogan Lovells
5 PM	Q&A
5:20 PM	Adjourn to Reception

AGENDA

Tuesday, April 8, 2025

8:30 AM **Continental Breakfast Available**

9 AM **Welcome**

National Academies' Committee on Science, Technology, and Law Co-chair:
Harold Varmus, Weil Cornell Medicine (virtual)

Workshop Planning Committee Co-chairs:
Richard A. Meserve, Covington & Burling LLP
William B. Schultz, Zuckerman Spaeder LLP

9:05 AM **Session 5: Impact on Regulated and NGO Communities – Environment**

Moderator: Richard A. Meserve, ** Covington & Burling LLP
Speakers: David Doniger, Natural Resources Defense Council
 Jeff Holmsted, Bracewell LLP
 Paul Noe, American Forest & Paper Association

10 AM **Q&A**

10:20 AM **Session 6: Upcoming Supreme Court Decisions**

Moderator: Diane Wood, ** The American Law Institute and University of Chicago Law School
Speaker: Christopher J. Walker, The University of Michigan Law School

10:45 AM **Q&A**

11:05 AM **Session 7: Drafting Legislation**

Moderator: David Goldston, ** Washington D.C. Office, Massachusetts Institute of Technology
Speakers: Philip S. Barnett, Co-Equal
 Elizabeth L. Horner, ArentFox Schiff LLP
 Heidi R. King, Heidi R. King Analytic Consulting
 Dane Stangler, Bipartisan Policy Center

12 PM **Q&A**

Tuesday, April 8, 2025

12:20 PM

Looking Forward: Reflections from the Workshop Planning Committee

Richard A. Meserve, Covington & Burling LLP

William B. Schultz, Zuckerman Spaeder LLP

Susan E. Dudley, George Washington University

David Goldston, Washington D.C. Office, Massachusetts Institute of Technology

Ann Rosenthal, Occupational Safety and Health Administration, U.S. Department of Labor (retired)

Barbara Schaal, Washington University in St. Louis

Diane Wood, The American Law Institute and University of Chicago Law School

12:30 PM

Adjourn

* All times U.S. Eastern

** Member of Workshop Planning Committee

Speaker Biographies

Philip S. Barnett is Co-Founder of Co-Equal. He worked for 25 years on Capitol Hill, where he served as the staff director of two major House committees, the Energy and Commerce Committee and the Oversight and Government Reform Committee. During his career, he helped Rep. Henry A. Waxman enact landmark legislation including the Clean Air Act of 1990, the Food Quality Protection Act of 1996, the Family Smoking Prevention and Tobacco Control Act of 2009, the Affordable Care Act of 2010, and reforms of federal telecommunications, procurement, and postal laws. Barnett also has extensive experience in congressional oversight, having led major investigations into the tobacco industry, food and drug safety, steroid use in baseball, procurement abuses, the Wall Street collapse, and the Deepwater Horizon oil spill.

Barnett graduated from Princeton University in 1979, where he won Princeton's highest undergraduate distinction, the Pyne Honor Prize, and from Harvard Law School in 1983. From 1983 to 1984, he served as law clerk to Judge William C. Canby, Jr., of the U.S. Court of Appeals for the Ninth Circuit. From 1984 to 1988, he was a lawyer in the Alaska office of the Sierra Club Legal Defense Fund.

From 1989 to 1994, Barnett was counsel to the Health and the Environment Subcommittee of the Committee on Energy and Commerce. In 1995, he became counsel in the office of Rep. Waxman. In 1996, he served as the Director of Policy Research for the U.S. Food and Drug Administration, where he was awarded the Secretary's Award for Distinguished Service (for outstanding performance in the development of regulations to protect children from smoking) and two Commissioner's Special Citations (for outstanding contribution to policy development and outstanding contributions to public health). Barnett returned to Capitol Hill in 1997, where he served on the House Committee on Oversight and Government Reform as Minority Chief Counsel (1997 to 2003), Minority Staff Director (2004 to 2006), and Staff Director (2007 to 2008). In 2009, he moved to the House Energy and Commerce Committee, where he served as Staff Director (2009 to 2010) and Minority Staff Director (2010 to 2014).

David J. Barron became the Chief Judge of the U.S. Court of Appeals for the First Circuit in April of 2022. After graduating from Harvard College, he worked as a newspaper reporter before attending Harvard Law School. Barron clerked for Judge Stephen R. Reinhardt of the U.S. Court of Appeals for the Ninth Circuit and for Justice John Paul Stevens of the U.S. Supreme Court. He then worked as an attorney advisor for the Office of Legal Counsel of the U.S. Department of Justice during the Clinton Administration before joining the faculty at Harvard Law School. He rejoined the Department of Justice as Acting Assistant Attorney General for the Office of Legal Counsel from 2009 to 2010 before returning to Harvard Law School as the S. William Green Professor of Public Law. He was appointed to the First Circuit in 2014.

Barron continues to teach at Harvard Law School as the Louis D. Brandeis Visiting Professor of Law. He is the co-editor of casebooks on both administrative and local government law. Among his other publications are *City Bound*, with Jerry Frug, and *Waging War*, which won the 2017 Colby Award. He is a member of the American Academy of Arts & Sciences and the American Law Institute.

Ann Carlson is the Shirley Shapiro Professor of Environmental Law and Co-Director of the Emmett Institute on Climate Change and the Environment at the University of California, Los Angeles School of Law. She is a leading scholar of climate change and air pollution law and policy. From 2021 to 2024, Carlson served in the Biden-Harris Administration as Chief Counsel and Acting Administrator of the National Highway Traffic Safety Administration. Under her leadership, the agency developed strong fuel economy standards to cut greenhouse gases from cars and issued numerous vehicle safety standards. Carlson is a frequent media commentator and blogs at *Legal Planet*. She has received the University of California, Los Angeles Distinguished Teaching Award, the Eby Award for the Art of Teaching, and the Rutter Award for Excellence in Teaching. Carlson is an elected member of the American Academy of Arts & Sciences and a fellow of the American College of Environmental Lawyers. She is a *magna cum laude* graduate of both the University of California, Santa Barbara and Harvard Law School.

David Doniger is Senior Attorney and Strategic Director in the Natural Resources Defense Council's (NRDC's) Climate and Energy Division. As an attorney and policy advocate, Doniger has worked for more than four decades to implement the U.S. Clean Air Act and to achieve international agreements to protect the ozone layer and the climate. Doniger started at NRDC in 1978. He served in the Clinton administration in the White House and at the U.S. Environmental Protection Agency (EPA) from 1993 to 2001. Returning to NRDC in 2001, he has focused on combating climate change through the Clean Air Act, the Inflation Reduction Act, and other legislation. Doniger has represented NRDC in many cases at all three levels of the federal courts. He argued *Chevron v. NRDC* and co-authored an amicus brief in *Loper Bright v. Raimondo*. He represented NRDC or other clients in the Supreme Court's four cases addressing EPA's climate change authority, from *Massachusetts v. EPA* to *West Virginia v. EPA*. Doniger's work on phasing out chlorofluorocarbons and other ozone-destroying chemicals helped lead to the Montreal Protocol, the world's most successful environmental treaty. More recently he helped expand that treaty to phase down the powerful climate changing pollutants known as hydrofluorocarbons. Doniger has a B.A. in history from Yale University. He has a J.D. and a Masters in City and Regional Planning from the University of California, Berkeley.

Susan E. Dudley ** founded the George Washington University Regulatory Studies Center in 2009 to improve regulatory policy through research, education, and outreach. She is now a senior scholar with the Center and a distinguished professor of practice in the Trachtenberg School of Public Policy and Public Administration. She is a senior fellow with the Administrative Conference of the United States, a past president of the Society for Benefit-Cost Analysis, and former chair of the Federalist Society's Regulatory Transparency Project regulatory process working group. From April 2007 through January 2009, Dudley served as the presidentially appointed administrator of the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget. Earlier in her career, she directed the Regulatory Studies Program at the Mercatus Center at George Mason University, taught courses on regulation at the George Mason University School of Law, and served as an economist in OIRA, the U.S. Environmental Protection Agency, and the Commodity Futures Trading Commission. She holds a Master of Science degree from the Sloan School of Management at the Massachusetts Institute of Technology and a Bachelor of Science degree (*summa cum laude*) in Resource Economics from the University of Massachusetts, Amherst.

Matthew J. Ginsburg is General Counsel of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), a federation of 60 national and international unions representing over 12 million working people.

Ginsburg's work on behalf of the AFL-CIO has focused on traditional labor law, new forms of worker representation, and the rights of immigrant workers, as well as all aspects of the governance of the Federation. He has regularly briefed and argued cases on behalf of unions and workers in the federal courts of appeals and presented the AFL-CIO's view on important workplace legal issues to the Supreme Court in amicus curiae briefs.

Ginsburg is a graduate of the New York University School of Law, where he was a Root-Tilden-Kern Scholar. He clerked for Judge Diane Wood of the U.S. Court of Appeals for the Seventh Circuit. Ginsburg was a union organizer for several years prior to becoming a lawyer.

David Goldston ** became Director of the Washington D.C. Office of the Massachusetts Institute of Technology (MIT) in 2017. In that role, he directs MIT's federal relations. Prior to joining MIT, Goldston served for eight years as the Director of Government Affairs at the Natural Resources Defense Council. Before that, he spent more than 20 years on Capitol Hill, working primarily on science policy and environmental policy. He was Chief of Staff of the House Committee on Science from 2001 through 2006. Since leaving government, he has taught courses on science policy at Princeton, Harvard, and Georgetown. From 2007 through 2009, he wrote a monthly column for *Nature* on science policy titled "Party of One." Goldston also was the project director for the Bipartisan Policy Center's 2009 report "Improving the Use of Science in Regulatory Policy." He authored the chapter on Congress in *The Science of Science Policy: A Handbook* (Stanford University Press, 2011). He has served on several committees of the National Academies of Sciences, Engineering, and Medicine and is currently a member of its advisory committee for its Climate Crossroads project and of its Board on Science Education. He holds a B.A. (1978) from Cornell University and completed the course work for a Ph.D. in American History at the University of Pennsylvania.

George Gray is a professor at The George Washington University Milken Institute School of Public Health. He has long been committed to the effective use of science to inform public health choices, and he emphasizes the importance of communicating those choices effectively to citizens, journalists, and lawmakers. Risk analysis, including the tradeoffs that must be made when risks exist on both sides of a decision, has been a core component of that work.

Prior to joining the Milken Institute School of Public Health in 2010, Gray served as Assistant Administrator for the U.S. Environmental Protection Agency's (EPA's) Office of Research and Development and as the Agency Science Advisor, promoting scientific excellence in EPA research, advocating for the continuing evolution of the agency's approach to analysis, and encouraging programs that provide academic research to support EPA's mission. Areas of focus included nanotechnology, ecosystem research, the influence of toxicology advances on testing and risk assessment, and sustainability.

Before joining the EPA, Gray was Executive Director of the Harvard Center for Risk Analysis and a member of the faculty at the Harvard School of Public Health. In addition to teaching, he applied the tools of risk analysis to public health problems ranging from mad cow disease to pesticides in food to the risks and benefits of fish consumption.

Jeff Holmstead is a partner and co-chair of the Environmental Strategies Group at Bracewell LLP. He has worked on Clean Air Act and climate change issues for more than 30 years – in both the federal government and the private sector. From 1989 to 1993, he served on the White House staff of President George H.W. Bush, where he was involved in the passage and early implementation of the 1990 Amendments to the Clean

Air Act and U.S. involvement in the United Nations Framework Convention on Climate Change (UNFCCC). In early 2001, he was nominated by President George W. Bush and confirmed by the Senate to be the Assistant Administrator of the U.S. Environmental Protection Agency (EPA) for Air and Radiation. He served in this position – the head of the EPA Air Office – longer than anyone else in the agency’s history.

When not in the government, Holmstead has been a lawyer in private practice advising and representing clients on a range of environmental issues, but with a focus on the regulation of air pollution. Since he joined Bracewell in 2006, most of his work has been with companies and trade associations in the manufacturing and energy sectors. Much of his work over the last decade has focused on EPA’s efforts to address climate change, including the development of carbon capture and sequestration projects and the permitting of Class VI underground injection control (UIC) wells for secure geologic storage of carbon dioxide. For many years, Holmstead has been recognized by Chambers USA as one of the leading climate change and environmental lawyers in the country.

Holmstead graduated from Yale Law School in 1987 and then served as a law clerk to Judge Douglas H. Ginsburg on the U.S. Court of Appeals for the District of Columbia Circuit. He graduated *summa cum laude* from Brigham Young University in 1984 with degrees in economics and English.

Elizabeth L. Horner is a Partner in the Government Relations practice of ArentFox Schiff LLP, having joined the firm’s Washington, D.C. office in December 2024. Horner has worked on energy and environmental legal and policy issues her entire career. She has negotiated legislative text, written regulatory comments, and served as counsel in challenges to regulations, including before the U.S. Supreme Court and U.S. Court of Appeals for the District of Columbia Circuit.

From 2021 to 2024, Horner was the Chief Counsel of the U.S. Senate Committee on Environment and Public Works (EPW) under Ranking Member Shelley Moore Capito (R-WV). Horner managed the committee’s consideration of nominations, oversight, and legislation. She worked on the Infrastructure Investment and Jobs Act, resolutions under the Congressional Review Act, and the Inflation Reduction Act and associated application of the so-called Byrd Rule that applies to budget reconciliation legislation.

Prior to Horner’s promotion to Chief Counsel, she was the EPW Committee’s lead attorney for Clean Air Act, Clean Water Act, and climate issues under then-EPW Chairman John Barrasso, M.D. (R-WY). In that role, she worked on three bills signed into law as part of the Consolidated Appropriations Act for Fiscal Year 2021: *Utilizing Significant Emissions with Innovative Technologies Act (USE IT Act)*, which supported carbon capture, utilization, and sequestration technologies and related infrastructure; *American Innovation and Manufacturing Act (AIM Act)*, which authorized a new regulatory regime to implement a nationwide phase-down of hydrofluorocarbons by the U.S. Environmental Protection Agency (EPA); and *Diesel Emissions Reduction Act of 2020 (DERA)*, which reauthorized the DERA grant and rebate program administered by EPA for five years.

Previously, Horner handled energy and environmental issues for a major trade association. She began her career after law school as an associate in the environmental practice of an international law firm. She assisted clients across a variety of environmental matters, with a particular focus on the Clean Air Act.

Horner graduated with high honors from Princeton University with a bachelor’s degree in public and international affairs. She received a law degree from the University of Virginia School of Law, where she served as a Notes Editor on the *Virginia Law Review*.

Adam Jaffe ** is Professor Emeritus of Economics at Brandeis University and Chair of the National Academies of Sciences, Engineering, and Medicine's Board on Science, Technology, and Economic Policy. At Brandeis, Jaffe served as Chair of Economics and Dean of the Faculty of Arts and Sciences. He was previously Co-Chair of The Organisation for Economic Co-operation and Development Global Science Forum Experts' Group on "Effective Operation of Competitive Research Funding Systems," and he was the founding Coordinator of the National Bureau of Economic Research Innovation Information Initiative ("I3"). Jaffe is currently an Editor for *Research Policy*. He is the co-author of two books, *Innovation and its Discontents* and *Patents, Citations, and Innovations: A Window on the Knowledge Economy*. He holds an S.B. in chemistry and S.M. in technology and policy from the Massachusetts Institute of Technology, as well as a Ph.D. in economics from Harvard University.

Heidi R. King advises innovative companies, manufacturers, governments, and media to improve the efficiency and effectiveness of regulation and legislation.

King served in four U.S. presidential administrations, most recently as Acting Administrator of the National Highway Traffic Safety Administration (NHTSA). King previously served as Chief Economist for the House Committee on Energy and Commerce and as Senior Policy Analyst in the White House Office of Management and Budget where she supervised the development of federal regulations from the Office of Information and Regulatory Affairs. In the private sector, King provided executive leadership to GE Capital's global team of finance environmental risk management experts, and she has served as a researcher and advocate in the telecommunications, pharmaceutical, and home appliance industries. She began her career in traffic safety and environmental policy as a California State Park Ranger, as a 911 dispatcher, and as a volunteer Emergency Medical Technician, and continues to volunteer as an environmental educator and to provide educational opportunities to women in Afghanistan.

King has an undergraduate degree in economics from the University of California, Irvine and a M.Sc. in economics from the California Institute of Technology.

Goodwin Liu, ** J.D., is an Associate Justice of the California Supreme Court. Nominated by Governor Jerry Brown, Justice Liu was sworn into office in 2011 and retained by the electorate in 2014 and 2022. Before joining the state's highest court, Liu was Professor of Law and Associate Dean at the University of California, Berkeley School of Law. His primary areas of expertise are constitutional law, education law and policy, and diversity in the legal profession. Liu continues to teach constitutional law as a visiting professor at Harvard Law School, Columbia Law School, and Stanford Law School. He is an elected member of the American Academy of Arts & Sciences, the American Law Institute, and the American Philosophical Society. In 2023, he was elected Chair of the Board of Directors of the American Academy of Arts & Sciences. He also serves on the Council of the American Law Institute, on the Board of Directors of the James Irvine Foundation, and as President of the Yale University Council. Liu has previously served on the Board of Trustees of Stanford University, the National Academies of Sciences, Engineering, and Medicine's Committee on Science, Technology, and Law, the Board of Directors of the National Women's Law Center, and the California Commission on Access to Justice.

Liu earned a bachelor's degree in biology from Stanford, a master's degree in philosophy and physiology from Oxford University on a Rhodes Scholarship, and a law degree from Yale. He clerked for Judge David S. Tatel on the U.S. Court of Appeals for the District of Columbia Circuit and for Justice Ruth Bader Ginsburg on the U.S. Supreme Court. He has also worked in the litigation practice of O'Melveny & Myers, served

as Special Assistant to the Deputy Secretary of the U.S. Department of Education, and helped launch the AmeriCorps national service program as Senior Program Officer for Higher Education at the Corporation for National Service.

Thomas W. Merrill is the Charles Evans Hughes Professor of Law at Columbia Law School. One of the most cited legal scholars in the United States, Merrill teaches and writes about administrative, constitutional, and property law, among other topics.

Merrill's experience in the public and private sectors informs his pedagogy and research. After clerking for Chief Judge David L. Bazelon on the U.S. Court of Appeals for the District of Columbia Circuit and for Justice Harry A. Blackmun on the U.S. Supreme Court, Merrill was a deputy solicitor general of the U.S. Department of Justice and an associate at the firm of Sidley & Austin, where he also served as counsel for more than 20 years.

Merrill has written scholarly articles and several Supreme Court amicus briefs on when and how much weight courts should give administrative interpretations of law in different contexts. He has co-authored (with Henry E. Smith) the casebooks *Property: Principles and Policies* and *The Oxford Introductions to U.S. Law: Property*. His seminal journal articles include "Optimal Standardization in the Law of Property: The *Numerus Clausus* Principle" on the role of information costs in the structure of property law and "The Origins of the American Public Trust Doctrine: What Really Happened in *Illinois Central*" about the role of public property rights in the development of the Chicago lakefront.

For the 125th anniversary celebration of the U.S. Court of Appeals for the Second Circuit, Merrill delivered the annual Hands Lecture, and he spoke on "Learned Hand and Statutory Interpretation: Theory and Practice." *Lakefront: Public Trust and Private Rights in Chicago* (Cornell University Press), his book (with Joseph Kearney) on the history of the Chicago Lakefront, was published in May 2021. Merrill is currently serving as a co-reporter for the American Law Institute's *Restatement (Fourth) of Property*.

In addition to Columbia, Merrill has served on the faculties of Northwestern Law School and Yale Law School. He is a member of the American Law Institute and the American Academy of Arts & Sciences.

Richard A. Meserve, ** Ph.D., J.D., is Senior Of Counsel and former partner in the Washington D.C. office of Covington & Burling LLP. He is the President Emeritus of the Carnegie Institution for Science and former Chairman of the U.S. Nuclear Regulatory Commission. Meserve is a member of the National Academy of Engineering, the American Academy of Arts & Sciences, the American Philosophical Society, and the Council of Foreign Relations. Additionally, he is a Fellow of the American Physical Society and the American Association for the Advancement of Science, as well as a foreign member of the Russian Academy of Sciences. Early in his career, after obtaining a Ph.D. in applied physics from Stanford and a J.D. from Harvard Law School, he served as law clerk to U.S. Supreme Court Justice Harry A. Blackmun and as legal counsel to the President's Science Adviser. He has chaired or served as a member of a wide variety of studies undertaken by the National Academies of Sciences, Engineering, and Medicine, including serving as chairman of a recently completed study of advanced reactors.

Martha Minow is the 300th Anniversary University Professor of Law at Harvard Law School. Minow has taught at Harvard Law School since 1981, where her courses include civil procedure, constitutional law, family law, fairness and privacy, international criminal justice, jurisprudence, law and education, nonprofit organizations, and the public law workshop. An expert in human rights and advocacy for members of racial

and religious minorities and for women, children, and persons with disabilities, she also writes and teaches about AI and legal issues, and about how societies transition from war and atrocities to regimes committed to democracy and justice. Minow served as Dean of Harvard Law School between 2009 and 2017, as the inaugural Morgan and Helen Chu Dean and Professor. She currently is the chair of the MacArthur Foundation, and a member of the governing boards of the Campaign Legal Center (nonpartisan voting rights group), the Carnegie Corporation (philanthropy), and GBH (public media). She also co-chairs the advisory group for the Massachusetts Institute of Technology's new Schwartzman College of Computing. Minow completed her undergraduate studies at the University of Michigan, then earned an M.Ed. from Harvard and a J.D. from Yale.

Paul Noe is the Vice President for Public Policy at the American Forest & Paper Association. He has extensive experience in leading the formulation and execution of regulatory advocacy strategies, particularly for environmental regulation and permitting.

Earlier in his career, Noe helped to lead the development of regulatory policy and review of regulations as Counselor to the Administrator at the White House Office of Information and Regulatory Affairs in the Administration of George W. Bush. He previously served as senior counsel to the U.S. Senate Committee on Governmental Affairs under Chairmen Fred Thompson, Ted Stevens, and Bill Roth, where his work focused on reforming the regulatory process, including drafting proposed legislation to require consideration of benefit-cost analysis, risk assessment, and market-based mechanisms in the development of major rules, as well as the use of comparative risk analysis to inform priority-setting for agency budgets and rulemaking and enforcement agendas.

Noe previously served as a council member and co-chair of the legislation and rulemaking committees in the American Bar Association's Section of Administrative Law & Regulatory Practice, where he co-chaired the work group that produced *Improving the Administrative Process: A Report to the President-Elect* (2016). His publications include "Loper Bright and the Ascendancy of the Cost-Benefit State," *The Regulatory Review in Depth* (Jan. 2025); "The Ascendancy of the Cost-Benefit State?," *5 Admin. L. Rev. Accord* 85 (2020); and a co-authored book chapter, "Beyond Process Excellence: Enhancing Societal Well-Being," in *Achieving Regulatory Excellence*, Brookings Inst. Press (2017).

Neomi J. Rao was appointed to the U.S. Court of Appeals for the District of Columbia Circuit in March 2019. She graduated from Yale College in 1995 and the University of Chicago Law School in 1999. Following graduation, she served as a law clerk to Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit and, in the 2001 October Term, as law clerk to Justice Clarence Thomas of the U.S. Supreme Court. Between her clerkships, Rao served as counsel for nominations and constitutional law to the U.S. Senate Committee on the Judiciary. In 2002, she joined the international arbitration group of Clifford Chance LLP in London, England. From 2005-2006, she served as Special Assistant and Associate White House Counsel to the President. From 2006 to 2017, Rao was a professor at the Antonin Scalia Law School at George Mason University, where she taught constitutional law, legislation and statutory interpretation, and the history and foundations of the administrative state. In 2014, she founded the Center for the Study of the Administrative State, a non-profit Center that promoted academic scholarship and public policy debates about administrative law. In July 2017, she was appointed to serve as the Administrator of the Office of Information and Regulatory Affairs in the White House Office of Management Budget. She served in this position until her appointment to the D.C. Circuit.

Paul J. Ray leads The Heritage Foundation's work on regulatory and economic policy as director of the Thomas A. Roe Institute for Economic Policy Studies. Ray brings to the role wide experience at the highest levels of government and private practice, including service as the Administrator of the Office of Information and Regulatory Affairs (OIRA)—the federal “regulations czar” within the White House's Office of Management and Budget, to which position he was confirmed by the U.S. Senate in January 2020. As Administrator, Ray supervised the review of hundreds of regulations and led federal efforts on regulatory reform.

Before his time at OIRA, Ray served as counselor to the U.S. Secretary of Labor and an attorney specializing in administrative appellate law. He began his legal career with clerkships for Judge Debra Ann Livingston of the U.S. Court of Appeals for the Second Circuit and for Justice Samuel A. Alito of the U.S. Supreme Court.

Ray's research focuses on administrative law and policy, the American Founding and constitutional order, and political philosophy, with a special focus on subsidiarity and the common good. He is a frequent speaker in Washington, D.C. and around the country on the federal regulatory system. In addition to his work at Heritage, Ray is a member of the Executive Committee of the Federalist Society's Administrative Law Practice Group. He also serves on the Board of Innovations in Peacebuilding International, which promotes peaceful, ground-up solutions in war-torn regions.

Ray is a graduate of Harvard Law School, where he served on the *Harvard Law Review*, and holds a bachelor's degree from Hillsdale College.

Brian Ronholm is the Director of Food Policy for Consumer Reports where he leads their advocacy efforts to advance a safe and healthy food system, and a fair and just marketplace for consumers. He was in public service prior to joining Consumer Reports, having served as Deputy Under Secretary for Food Safety at the U.S. Department of Agriculture, and before that, as a congressional staff person for Congresswoman Rosa DeLauro of Connecticut.

Andrew A. Rosenberg is a marine scientist, environmental and science policy expert. He is the co-editor of the SciLight newsletter on Substack and a Senior Fellow in the Carsey School of Public Policy at the University of New Hampshire (UNH). He retired in 2022 as the director of the Center for Science and Democracy at the Union of Concerned Scientists, where he focused on the role of science and scientists in public policy. Previously, he was the chief scientist for Conservation International. He was a professor of natural resources and the environment at the University of New Hampshire and the UNH dean of the College of Life Sciences and Agriculture.

Prior to moving to UNH, Rosenberg served as the northeast regional administrator of the National Marine Fisheries Service at the National Oceanic and Atmospheric Administration, where he negotiated recovery plans for New England and mid-Atlantic fishery resources, endangered species protections and habitat conservation programs. He later became deputy director of the fisheries service.

Rosenberg is also the convening lead author of the oceans chapter of the *Third U.S. National Climate Assessment* and served on the secretariat for the full assessment. He was a convening lead author of the United Nations' *First World Ocean Assessment*. He served on the National Academies of Sciences, Engineering, and Medicine's Ocean Studies Board and the U.S. Commission on Ocean Policy.

Rosenberg received his Ph.D. in biology from Dalhousie University in Halifax, Canada and previously studied oceanography at Oregon State University and fisheries biology at the University of Massachusetts.

Ann Rosenthal ** is a retired federal attorney who spent most of her career in the U.S. Department of Labor. As a career attorney in the Office of the Solicitor of Labor, she served as Associate Solicitor for Occupational Safety and Health, managing the office with primary responsibility for providing legal advice and litigation services to the Occupational Safety and Health Administration (OSHA). More recently, she served as a Senior Advisor in OSHA during the Biden Administration, with a focus on protecting workers from exposure to COVID-19. In these positions, Rosenthal was responsible for developing, defending, and enforcing OSHA standards and other requirements. She was the first supervisor to receive the Department of Labor's Mary Helen Mautner Award for excellence in Appellate Advocacy. Rosenthal is a graduate of Boston University Law School and the University of Massachusetts. She has spoken frequently at conferences and courses on occupational safety and health topics and on administrative law and appellate advocacy.

Jonathan Samet, a pulmonary physician and epidemiologist, is the former Dean of the Colorado School of Public Health and Professor of Epidemiology and Environmental and Occupational Health. Previously, he was at the University of New Mexico, the Johns Hopkins Bloomberg School of Public Health, and the University of Southern California. His research has focused on health risks of inhaled pollutants in outdoor air and also indoor pollutants including secondhand smoke and radon. He has investigated the epidemiology of cancer and respiratory diseases, emphasizing the risks of active and passive smoking. He led the Colorado COVID-19 Modeling Group, which modeled the epidemic in Colorado for public health purposes, and directs the Colorado Cannabis Research & Policy Project. He has served on and chaired numerous committees of the National Academies of Sciences, Engineering, and Medicine concerned with risks of environmental agents. He chaired the U.S. Environmental Protection Agency's Clean Air Scientific Advisory Committee and the U.S. Food and Drug Administration's Tobacco Products Scientific Advisory Committee. Samet has been editor and author for the Surgeon Generals' Reports on Smoking and Health since 1984, receiving the Surgeon General's Medallion in 1990 and 2006. Samet received the 2004 Prince Mahidol Award for Global Health awarded by the King of Thailand and the 2016 Fries Prize for Health. He was elected to the National Academy of Medicine in 1997 and received the David M. Rall Award in 2015 for his contributions.

Barbara Schaal ** is the Mary-Dell Chilton Distinguished Professor of Biology at Washington University in St. Louis. She graduated from the University of Illinois, Chicago and earned a Ph.D. from Yale University. Schaal is a plant evolutionary biologist who uses DNA sequences to understand evolutionary processes such as gene flow, geographical differentiation, and the domestication of crop species. At Washington University she has served as Chair of the Department of Biology, Director of Tyson Research Station, and Dean of Arts and Sciences. Schaal has trained 36 Ph.D. students and teaches undergraduate courses in environmental biology and plants. She is an elected member of the American Academy of Arts & Sciences, the American Philosophical Society, and the U.S. National Academy of Sciences, where she served as vice president for eight years. She was appointed as a U.S. science envoy by former Secretary of State Hillary Clinton. She has been President of the Botanical Society of America, the Society for the Study of Evolution, and the American Association for the Advancement of Science. She was a member of President Obama's Council of Advisors for Science and Technology from 2009 to 2017. She received the U.S. National Science Board's Public Service Medal in 2019.

William B. Schultz, ** J.D., is a partner at Zuckerman Spaeder LLP. During the Obama Administration, he was the General Counsel of the U.S. Department of Health and Human Services. During the Clinton Administration, Schultz was Deputy Commissioner for Policy at the U.S. Food and Drug Administration and Deputy Assistant Attorney General, Civil Appellate, at the U.S. Department of Justice. Previously, for five

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David S. Tatel served on the U.S. Court of Appeals for the District of Columbia Circuit from 1994 to 2024, succeeding future U.S. Supreme Court Justice Ruth Bader Ginsburg. After graduating from the University of Michigan and the University of Chicago Law School, he served as the founding director of the Chicago Lawyers' Committee for Civil Rights Under Law and then director of the National Lawyers Committee. He headed the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare during the Carter administration and then founded and led the education practice at Hogan Lovells, where he is now Senior Counsel. Tatel, along with Dr. David Baltimore, co-chaired the National Academies of Sciences, Engineering, and Medicine's Committee on Science, Technology, and Law from 2016 to 2023. He also chaired the boards of The Spencer Foundation and The Carnegie Foundation for the Advancement of Teaching. Tatel is a member of the American Philosophical Society and the American Academy of Arts & Sciences. He is the author of *Vision: A Memoir of Blindness and Justice* (Little Brown, 2024).

Dan Troy is Managing Director at Berkeley Research Group. He is a globally recognized healthcare lawyer and accomplished executive whose career has spanned leadership positions in the life sciences, legal, and regulatory sectors. His past experience includes working as chief counsel for the U.S. Food and Drug Administration (FDA), general counsel at multinational life sciences and technology companies, and partner at preeminent law firms.

Previously, Troy worked as a global general counsel at a multinational pharmaceutical and biotechnology company for ten years. He employed hands-on and practical approaches to creatively resolve major issues, manage risks, and achieve critical strategic goals. He led and managed a global team of over 630 professionals, including more than 400 attorneys, across more than fifty countries.

Troy is a highly sought thought leader, having served as chief counsel of the FDA, chaired the U.S. Chamber Litigation Center, and led influential committees and sections within organizations such as the American Bar Association and the American Law Institute. He was named a “Legend in the Law” at the 2013 Burton Awards and selected in the Financial Times (FT) Global General Counsel 30 in 2016.

Troy is a seasoned executive and respected board member with extensive expertise in corporate governance, dispute resolution, and regulatory compliance. He is known for innovative litigation resolution and a cutting-edge approach to advising businesses. He combines exceptional technical legal skills honed over more than thirty years in private and governmental sectors with sound business judgment to drive success in complex and high-profile environments.

Harold Varmus, M.D., is Lewis Thomas University Professor at the Meyer Cancer Center, Weill Cornell Medicine. Varmus is co-recipient of the 1989 Nobel Prize in Physiology or Medicine for studies of the genetic basis of cancer. He joined the Meyer Cancer Center of Weill Cornell Medicine as the Lewis Thomas University Professor of Medicine in 2015. He is also a Senior Associate Member of the New York Genome Center and an adjunct professor at Columbia University. Previously, Varmus was the Director of the National Cancer Institute for five years, the President of Memorial Sloan-Kettering Cancer Center for ten years, and Director of the National Institutes of Health for six years. A graduate of Amherst College and Harvard University in English literature and of Columbia University in medicine, he was further trained at Columbia University Medical Center and the National Institutes of Health, before becoming a member of the University of California, San Francisco basic science faculty for over two decades. He is a member of the National Academies of Sciences and Medicine, is involved in several initiatives to promote science and health in developing countries, serves on advisory groups for several academic, governmental, philanthropic, and commercial institutions, and has written about 400 scientific papers and five books, including a 2009 memoir entitled *The Art and Politics of Science*.

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Christopher J. Walker is Professor of Law at the University of Michigan. He previously clerked for Justice Anthony Kennedy of the U.S. Supreme Court, worked on the Civil Appellate Staff at the U.S. Department of Justice, and served on the Senate Judiciary Committee staff for the Gorsuch Supreme Court confirmation. Walker’s research focuses on administrative law, regulation, and law and policy at the agency level. His book *Constraining Bureaucracy Beyond Judicial Review* is forthcoming with Cambridge University Press, and he blogs regularly at the *Yale Journal on Regulation*. Outside the law school, Walker chaired the American Bar Association’s Section of Administrative Law and Regulatory Practice in 2020-21 and served as one of forty Public Members of the Administrative Conference of the United States from 2016-2022. He continues to serve in both organizations in various capacities. In 2022, he received the Federalist Society’s Joseph Story Award.

Daniel E. Walters, ** J.D., Ph.D., is an Associate Professor at the Texas A&M University School of Law. Before that, Walters was an Assistant Professor at Penn State Law, a Regulation Fellow at the University of Pennsylvania Carey Law School, and a law clerk to Judge M. Margaret McKeown on the U.S. Court of Appeals for the Ninth Circuit. His primary areas of interest are administrative law, energy and environmental regulation, and bureaucratic politics. Walters is a former winner of the American Constitution Society's Richard D. Cudahy Writing Competition in Administrative and Regulatory Law (student category) and the Beryl Radin Award for outstanding contribution to the *Journal of Public Administration Research & Theory*, and he serves as a Council Member on the American Bar Association Section on Administrative Law & Regulatory Practice and as a Member Scholar with the Center for Progressive Reform. Walters holds a Ph.D. in Political Science from the University of Wisconsin-Madison and a J.D. from the University of Michigan Law School.

Diane Wood ** is the Director of the American Law Institute, a Senior Lecturer in Law at the University of Chicago, and a retired U.S. Circuit Judge from the U.S. Court of Appeals for the Seventh Circuit. She served on the court from 1995 through 2024, and from 2013 to 2020 she was the Chief Judge of the Circuit. Starting in 1981, she was a professor and associate dean at the University of Chicago Law School and held the Harold and Marion Green chair in International Legal Studies. From 1993 to 1995, Wood was the Deputy Assistant Attorney General for Antitrust in the U.S. Department of Justice (DOJ), where she handled international relations, appellate work, and legal policy. Her academic specialties include civil procedure, antitrust, and international business regulation. Honors include the Sherman Award from the DOJ; appointment as a lecturer at the Hague Academy of International Law; membership in the American Academy of Arts & Sciences; and several honorary degrees. She received her B.A. (1971) and J.D. (1975) from the University of Texas and clerked for Justice Harry A. Blackmun of the U.S. Supreme Court.

Patricia Zettler is the John W. Bricker Professor of Law at The Ohio State University Moritz College of Law and a faculty member of Ohio State's Drug Enforcement and Policy Center and its Comprehensive Cancer Center. From November 2023 to January 2025, Zettler was on leave from Ohio State to serve as Deputy General Counsel to the U.S. Department of Health and Human Services, covering the U.S. Food and Drug Administration (FDA) portfolio. In that role, she helped to advance and implement key FDA regulations and policies, worked with the U.S. Department of Justice on litigation involving FDA, and advised the Department of Health and Human Services, FDA, and others across the federal government on a wide range of issues.

Zettler is a prolific scholar with over 60 articles in scientific journals and traditional law reviews, including the *New England Journal of Medicine*, *JAMA*, *Science*, *NYU Law Review*, and *Boston University Law Review*. She also co-authors a leading FDA law casebook, *Food and Drug Law: Cases and Materials*. She has been actively engaged in professional service, including having served as a member of the Food and Drug Law Institute's Board of Directors, a member of the National Academies of Sciences, Engineering, and Medicine's Board on Health Sciences Policy, and as chair of the International Society of Cell & Gene Therapy's Committee on the Ethics of Cell and Gene Therapy and its subcommittee on expanded access.

** Member of Workshop Planning Committee

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