

## CATHERINE A. O'NEILL

Seattle University School of Law  
901 12<sup>th</sup> Avenue  
Seattle, WA 98122  
(206) 398-4030

### EDUCATION

#### **HARVARD LAW SCHOOL**

Ford Foundation Graduate Fellow in Public International Law September 1990-February 1992

*Research:* international environmental law; environment and development policy; European Union law: College d'Europe, Bruges, Belgium (1990 – 1991)

#### **UNIVERSITY OF CHICAGO LAW SCHOOL**

Juris Doctor June 1990

*Honors:* D. Francis Bustin Prize, for excellence in student writing  
*Activities:* Comment Editor, UNIVERSITY OF CHICAGO LEGAL FORUM

#### **UNIVERSITY OF NOTRE DAME**

Bachelor of Arts, English May 1987  
University of Notre Dame London Program Fall Semester 1985

*Honors:* Walsh and Zosky Memorial Scholarships; Notre Dame Scholar, awarded to top 16% of entering class

### TEACHING AND ACADEMIC

#### **Seattle University School of Law**

Associate Professor of Law June 2001-Present  
Dean's Research Professorship Fall Semester 2008

Teach Property Law, Natural Resources Law, and Environmental Justice  
*Current research:* environmental justice, especially as applied to indigenous peoples; environmental risk policy; regulatory impact analysis

#### **University of Arizona College of Law**

Associate Professor of Law January 2000-June 2001  
Assistant Professor of Law August 1997-January 2000

Taught Property Law, Environmental Law, and Environmental Justice

#### **University of Washington School of Law**

Lecturer September 1994-July 1997

Taught legal analysis, research, writing, and oral advocacy to first year law students in Basic Legal Skills course

#### **Harvard College**

Teaching Fellow for Professor Ulrich Petersen August 1991-January 1992

Taught small sections of Science B-34, "The Earth, Its Resources and the Environment"

## **LEGAL AND POLICY WORK EXPERIENCE**

**Sonosky, Chambers, Sachse, Endreson & Perry**, Washington, D.C. April 2003-August 2003  
Consultant

Expert on environmental justice issues for proposed mine affecting American Indian tribe

**Gordon & Polscer**, Seattle, WA Summers, 1995-1997  
Contract Associate

Researched and drafted legal documents for environmental insurance defense litigation

**Washington State Department of Ecology** March 1992-June 1994  
Air Quality Program - Environmental Planner/Air Toxics Coordinator

*Honors:* 1993 Employee Excellence Award, one of four recipients in state  
Drafted 1993 legislation and regulations implementing Title V operating permit program;  
Worked on a variety of state and federal policy initiatives to reduce or prevent toxic  
air pollution, and pollution of water and other media

**Shearman and Sterling**, New York and San Francisco June 1990-September 1990  
Summer Associate, Litigation and Antitrust Departments

**University of Chicago Law School** September 1989-June 1990  
Research Assistant to Judge Richard A. Posner

**Winthrop, Stimson, Putnam and Roberts**, New York June 1989-September 1989  
Summer Associate

**University of Chicago Law School** June 1988-June 1989  
Research Assistant to Professor John H. Langbein

**University of Chicago Law School** June 1988-September 1988  
Research Assistant to Professor Cass R. Sunstein

## **MAJOR SCHOLARLY PUBLICATIONS**

### **Textbook**

CO-AUTHOR WITH CLIFFORD RECHTSCHAFFEN AND EILEEN GAUNA, ENVIRONMENTAL JUSTICE: LAW, POLICY, AND REGULATION (2d ed., 2009)

### **Articles and Chapters**

*The Mathematics of Mercury* in REFORMING REGULATORY IMPACT ANALYSIS 108 (WINSTON HARRINGTON ET AL., EDS.) (2009)

*Environmental Justice in the Tribal Context: A Madness to EPA's Method*, 38 ENVTL. L. 495 (2008)

*Protecting the Tribal Harvest: The Right to Catch and Consume Fish*, 22 J. ENVTL. L. & LITIG. 131 (2007)

*No Mud Pies: Risk Avoidance as Risk Regulation*, 31 VT. L. REV. 273 (2007)

Selected through peer-review process as one of the ten best environmental and land use articles of the year and reprinted in 39 LAND USE & ENVTL L. REV. 259 (2008)

*The Perils of Risk Avoidance*, 20 NAT. RES. & ENV'T. 9 (Winter, 2006)

*Mercury, Risk, and Justice*, 34 ENVTL. L. REP. 11070 (2004)

*Risk Avoidance, Cultural Discrimination, and Environmental Justice for Indigenous Peoples*, 30 ECOLOGY L. Q. 1 (2003)

Co-author with Denis Binder, Colin Crawford, Eileen Gauna, M. Casey Jarman, Alice Kaswan, Bradford C. Mank, Clifford Rechtschaffen, and Robert R.M. Verchick, *A Survey of Federal Agency Response to President Clinton's Executive Order No. 12898 on Environmental Justice*, 31 ENVTL. L. REP. 11133 (2001)

Excerpted in CLIFFORD RECHTSCHAFFEN AND EILEEN GAUNA, ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION (2002)

*Restoration Affecting Native Resources: The Place of Native Ecological Science*, Symposium on Environmental Restoration, 42 ARIZ L. REV. 343 (2000)

Excerpted in SIDNEY A. SHAPIRO, THOMAS MCGARITY, AND DAVID BOLLIER, SOPHISTICATED SABOTAGE: THE INTELLECTUAL GAMES USED TO SUBVERT RESPONSIBLE REGULATION (2004)

*Variable Justice: Environmental Standards, Contaminated Fish, and "Acceptable" Risk to Native Peoples*, 19 STAN ENVTL L. J. 3 (2000)

Excerpted in CLIFFORD RECHTSCHAFFEN AND EILEEN GAUNA, ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION (2002)

*Single-Sex Education After United States v. Virginia*, 23 J. COL. & UNIV. L. 489 (1997)

Co-author with Cass R. Sunstein, *Economics and the Environment: Trading Debt and Technology for Nature*, 17 COL. J. ENVTL. L. 93 (1992)

Selected through peer-review process as one of the twelve best environmental and land use articles of the year and reprinted in 24 LAND USE & ENVTL L. REV. (1993)

Excerpted in ANTHONY D'AMATO & KIRSTEN ENGEL, INTERNATIONAL ENVIRONMENTAL LAW ANTHOLOGY (1996)

Excerpted in STEPHEN M. JOHNSON, ECONOMICS, EQUITY AND THE ENVIRONMENT (2003)

Comment, *Sexual Harassment Cases and the Law of Evidence: A Proposed Rule*, 1989 U. CHI. LEGAL F. 21

## **OTHER PUBLICATIONS**

### **White Papers and Monographs**

Co-Author with Amy Sinden, Rena Steinzor, James Goodwin, and Yee Huang, *The Costs of Regulatory Delay* (forthcoming, 2009)(white paper)

Co-author with Member Scholars of the Center for Progressive Reform, *By the Stroke of a Pen: Seven Executive Orders to Launch the Obama Agenda* (2008)(monograph), available at <http://www.progressivereform.org/penstroke.cfm>

Co-author with Lisa Heinzerling and Rena I. Steinzor, *Mercury* (2006)(monograph), available at <http://www.progressivereform.org/perspectives/mercury.cfm>

Co-author with Member Scholars of the Center for Progressive Reform, *Hurricane Katrina: An Unnatural Disaster* (2005)(white paper), available at [http://www.progressivereform.org/Unnatural\\_Disaster\\_512.pdf](http://www.progressivereform.org/Unnatural_Disaster_512.pdf)

Co-author with Eileen Gauna and Cliff Rechtschaffen, *Environmental Justice* (2005)(white paper), available at [http://www.progressivereform.org/articles/ej\\_505.pdf](http://www.progressivereform.org/articles/ej_505.pdf)

Excerpted in JOHN NAGLE, ET AL., THE PRACTICE AND POLICY OF ENVIRONMENTAL LAW (2007)

### **Bar Journal Articles**

*The False Promise of Risk Avoidance*, KING COUNTY BAR ASSOCIATION BAR BULLETIN (Jan., 2009)

### **Op-Ed Pieces**

Co-author with Amy Sinden, Op-Ed, *The cost-benefit dodge*, THE PHILADELPHIA INQUIRER May 12, 2009

Op-Ed, *Tuna, with a side of mercury*, SEATTLE POST-INTELLIGENCER, Nov. 1, 2007, at B5

Op-Ed, *Clear facts about Clear Skies*, SAN FRANCISCO CHRONICLE, March 9, 2005, at B9

Op-Ed, *Try Not to Breathe*, CENTER FOR AMERICAN PROGRESS, July 7, 2004, available at <http://www.americanprogress.org>

## **OTHER PUBLIC WRITINGS**

### **Formal Input to Governmental Agencies**

Co-author with Jamie Donatuto, Letter to Jordan Palmeri, Oregon Department of Environmental Quality, *Oregon Fish Consumption Rate Project* (July, 2007)

Comments Submitted to the U.S. Office of Management and Budget, *Risk and Justice: Comments on the Office of Management and Budget's Proposed Risk Assessment Bulletin* (June, 2006)

Expert Testimony Submitted to Washington Model Toxics Control Act Science Advisory Board, *Alternative Exposure Parameters Reflective of Asian American and Pacific Islander Fish Consumption Practices: Legal and Policy Considerations* (November, 2005) (Invited)

Comments Submitted to the U.S. Environmental Protection Agency, *Comments on the Proposed National Emissions Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources, Electric Utility Steam Generating Units: Notice of Data Availability*, 69 Fed. Reg. 69865 (Dec. 1, 2004) (January, 2005)

## **Blogs**

Regular Contributor: CPR Blog (available at <http://www.progressivereform.org/CPRBlog.cfm?fkScholar=38>); SU Law Professors Blog, "Cases and Controversies" (available at <http://seattleulawfaculty.wordpress.com/2009/05/27/fish-tales-from-west-virginia/#more-224>)

Guest Contributor: Marler Blog (available at <http://www.marlerblog.com/2008/12/articles/lawyer-oped/somethings-fishy-at-fda-guest-blog-by-catherine-a-oneill/>)

## **SELECTED PRESENTATIONS AND TESTIMONY**

### **Testimony**

Testimony Before the House Subcommittee on Commerce, Trade, and Consumer Protection, Washington, D.C., May, 2009 (discussing mercury contamination and H.R. 2190, bill to phase out mercury cell chlor-alkali process)

Testimony Before the House Subcommittee on Energy Policy, Natural Resources, and Regulatory Affairs, Washington, D.C., November, 2004 (discussing mercury contamination and regulation of coal-fired utilities by means of proposed cap-and-trade approach)

### **Presentations**

*Tribal Rights and Fish Consumption: Legal Considerations*

Panel Chair and Speaker, University of Washington, Tribal Rights and Fish Consumption Workshop: Issues and Opportunities, Seattle, WA, August, 2009

*Tribes' Rights to Catch and Consume Fish and Traditional Foods* (with Dr. Jamie Donatuto)

Panelist, Puget Sound and Georgia Basin Ecosystem Conference, "Salish Sea Food, Salish Sea Knowledge," Seattle, WA, February, 2009

*Risk and Rights: Issues for Risk Assessment in the Tribal Context*

Speaker, University of Washington, Department of Environmental and Occupational Health Sciences, Seattle, WA October, 2008

*Risk Assessment in the Tribal Context*

Panelist, National Meeting of EPA and Agency Risk Assessors, Seattle, WA, October, 2008

*New Jersey v. EPA: Mercury, Risk, and Justice*

Panelist, Environmental Law: Recent Developments, Seattle University School of Law CLE, Seattle, WA, November, 2007

*Treaty Rights and Fish Consumption: Honoring Tribes' Rights in Practice*

Speaker, EPA Region X Workshop Series, Risk Assessment in the Tribal Context, Seattle, WA, September, 2007

*Environmental Justice and Oregon's Water Quality Standards: Protecting Tribes' Rights to Catch and Consume Fish*

Speaker, Lewis & Clark College of Law, Distinguished Environmental Justice Speaker Series, Toward Critical Environmental Justice Studies: Emerging Issues, Portland, OR, March, 2007

*Regulating Mercury, Perpetuating Injustice*

Panelist, Cardozo School of Law, Poverty and Family Health: Environmental Dangers and Progressive Solutions Symposium, New York, NY, February, 2007

*Environmental Justice in Washington State: Obligations and Opportunities*

Speaker, Attorney General's Office, Ecology Division, Olympia, WA, December, 2006

*Contaminants in Fish and Shellfish: Protecting Tribal Resources and Rights*

Panelist, EPA Tribal Programs Workshop, Swinomish Indian Reservation, La Conner, WA, November, 2006

*Dams, Tribal Health, and Environmental Justice*

Panelist, Yale School of Forestry, Global Perspectives on Large Dams Conference, New Haven, CT, November, 2006

*Protecting the Tribal Harvest: The Right to Catch and Consume Fish*

Panelist, Tribal Leadership Summit, Confederated Tribes of the Umatilla Indian Reservation, Pendleton, OR, August, 2006

*Mercury Contamination and Native Peoples: Law and Policy Issues*

Panelist, Eighth International Conference on Mercury as a Global Pollutant, Madison, WI, August, 2006

*Mercury, Risk, and Justice: Recent Developments*

Speaker, University of Washington, Environmental Health Sciences Lecture Series, September, 2005

*Mercury and Environmental Justice*

Panelist, Tulane Environmental Law Conference, New Orleans, LA, April, 2005

*Mercury, Risk, and Justice*

Speaker, Georgetown Law Center, Washington, D.C., September, 2004

*Addressing Risks from Contaminated Fish, Plants, and Wildlife*

Panelist, Alaska Native Tribal Environmental Ordinances Workshop, Anchorage, AK, June, 2003

*Environmental Justice and Fish Consumption*

Panelist, Public Interest Environmental Law Conference, University of Oregon School of Law, March, 2001

*Environmental Restoration Affecting Native Resources: Cultural Flourishing and Indigenous Ecological Knowledge*

Panelist, Environmental Restoration Conference, University of Arizona College of Law, November, 1999

*Environmental Justice: The New Civil Rights Movement?*

Panelist, UNITY '99, Conference of Journalists of Color, Seattle, WA, July 1999

**PROFESSIONAL AND COMMUNITY SERVICE**

Vice-Chair, Native American Resources Committee, Section of Environment, Energy, and Resources, American Bar Association, August 2009-present

Pro Bono Consultant to Kanji & Katzen, Attorneys for National Congress of American Indians and Treaty Tribes, Petitioners in *New Jersey v. EPA*, D.C. Circuit, Case No. 05-1097, 2006-2007

Member Scholar, Center for Progressive Reform, 2004-present

Matthew Henson Environmental Law Fellowship, Advisory Board, Seattle University, 2003-present

Fish Consumption Workgroup, Air & Water Subcommittee of the National Environmental Justice Advisory Committee (NEJAC), Member; Consultant, 2000-2002

Primary author of 185-page report to the Environmental Protection Agency, available at:  
[http://www.epa.gov/compliance/resources/publications/ej/fish\\_consump\\_report\\_1102.pdf](http://www.epa.gov/compliance/resources/publications/ej/fish_consump_report_1102.pdf)

"Bioaccumulative Toxins in Native American Shellfish," Swinomish Indian Tribal Community, Advisory Board, 2000-2005

Environmental Justice Action Group, Tucson, Advisor, 1999-2001

Civil Rights Committee, Washington State Bar Association, Sexual History Evidentiary Rule Project, Advisor, 2000-2001

Washington Wilderness Coalition, Board of Directors, 1995-1997

### **ACTIVITIES**

Ultimate Frisbee: World Champion, 1995, 1997, 1999  
Triathlons; Cycling