

CATHERINE A. O'NEILL

Seattle University School of Law
901 12th 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

Co-author with Eileen Gauna and Cliff Rechtschaffen, *Environmental Justice* (2005)(white paper), available at 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

"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