Pathways to a Clean Environment
Law, Enforcement, and the Public in China & the United States

March 4, 2016 | 8:30 AM - 5:30 PM

University of Chicago, Saieh Hall for Economics, Room 021
5757 South University Avenue, Chicago, IL 60637

The conference is presented by the University of Chicago and Tsinghua University, through joint efforts and co-sponsorship by the Abrams Environmental Law Clinic at the University of Chicago Law School, the Center for East Asian Studies at the University of Chicago, the Center for Industrial Development and Environmental Governance (CIDEG) at Tsinghua University, the Energy Policy Institute at Chicago (EPIC), and the Paulson Institute.

8:00 AM  REGISTRATION

8:30 AM  WELCOME REMARKS

Mark N. Templeton, University of Chicago

XUE Lan, School of Public Policy and Management, Tsinghua University

Cynthia Zeltwanger, Paulson Institute

8:45 AM  PANEL ONE

LAWMAKING, INSTITUTIONAL BUILDING, INTERGOVERNMENTAL RELATIONS, AND CAPACITY DEVELOPMENT

CHAIR: XUE Lan, School of Public Policy and Management, Tsinghua University
Objective: Assessment of (1) the relationship among the central, regional, and local governments as defined by law and (2) the tensions and nuances in those relationships as implemented.

“Multilevel Environmental Governance in the U.S.: Environmental Federalism’s Tug of War Within” (8:45-9:05 AM)
Erin Ryan, Florida State University School of Law

“China’s Environmental Bureaucracy: Organizational Challenges and Adaptations” (9:05-9:25 AM)
Dali L. Yang and ZHANG Fan, University of Chicago

“Cross-Sectoral Coordination Mechanism in China’s Environmental Governance: Leading Small Groups” (9:25-9:45 AM)
ZHU Xufeng, School of Public Policy and Management, Tsinghua University

“Comparing Environmental Governance in China and the U.S.: Federalism in an Era of Globalization” (9:45-10:05 AM)
Robert Percival, University of Maryland School of Law; and ZHAO Huiyu, KoGuan Law School, Shanghai Jiaotong University

10:05 AM DISCUSSION
10:45 AM COFFEE BREAK
11:00 AM PANEL TWO

THE POLITICS OF IMPLEMENTATION, MONITORING, AND ENFORCEMENT
CHAIR: Mark N. Templeton, University of Chicago

Objective: Discussion and assessment of (1) how limits are set for individual facilities; (2) how compliance or non-compliance with those limits is monitored and reported; (3) if those limits are enforced, by whom (e.g., government officials and citizens); and (4) how recent increased attention on administrative enforcement has been seen in the amount of fines levied.

“The Implementation Gap in Environmental Law” (11:00-11:20 AM)
Daniel Farber, University of California, Berkeley

“Effectiveness of Environmental Enforcement in China: An Evolutionary Perspective” (11:20-11:40 AM)
QIN Hu, Environmental Defense Fund (EDF) China Program
11:40 AM DISCUSSION

12:00 PM KEYNOTE PRESENTATION AND DIM SUM LUNCH

“Evidence-Based Policymaking and the Role of Academic-Government Partnerships”

Michael Greenstone, Energy Policy Institute, University of Chicago (EPIC)

1:00 PM PANEL THREE

EX-POST REGULATION: LITIGATION

CHAIR: Dali L. Yang, University of Chicago

Objective: Discussion of the role of courts in (1) interpreting the law (including the deference given by U.S. court to interpretations of the law by the administrative agency); and (2) in enforcing the law.

“Law, Politics and Technocracy” (1:00-1:20 PM)

Tom Ginsburg and Mark N. Templeton, University of Chicago Law School

“From Ex-Ante Screening Towards Ex-Post Monitoring: Challenges and Solutions” (1:20-1:40 PM)

CHEN Ruoying, Peking University Law School

1:40 PM DISCUSSION

2:00 PM PANEL FOUR

BUSINESS AND ENVIRONMENTAL REGULATION

CHAIR: CHEN Ling, School of Public Policy and Management, Tsinghua University

Objective: Examination of the role of business in developing and giving meaning to laws and regulations and to achieving environmental objectives through individual compliance, norm creation and promulgation, and development of new technologies.

“Earmarked Environmental Taxes: The U.S. Experience” (2:00-2:20 PM)

Daniel Hemel, University of Chicago Law School

“SOPEs and China’s Environmental Regulation” (2:20-2:40 PM)

Dali L. Yang, University of Chicago (work with HUANG Dongya, Sun Yatsen University)
“Willingness to Pay for Clean Air: Evidence from Air Purifier Markets in China” (2:40-3:00 PM)

Koichiro ITO, Harris School of Public Policy, University of Chicago

3:00 PM DISCUSSION

3:40 PM COFFEE BREAK

4:00 PM PANEL FIVE

PUBLIC PARTICIPATION

CHAIR: Robert Percival, University of Maryland Francis King Carey School of Law

Objective: Discussion and assessment of the role of non-governmental organizations in monitoring environmental conditions; raising awareness of environmental issues with government officials; and among the broader public, participating in developing and giving meaning to laws and regulations, and enforcing the law.

“Lead in the Water: How Citizens, Independent Experts and Environmental Organizations Worked to Address Regulatory Failures in Flint, Michigan” (4:00-4:20 PM)

Mark N. Templeton, University of Chicago


CHEN Ling, Tsinghua University and LIU Bing, Beijing Normal University

4:40 PM DISCUSSION

5:00 PM CONCLUDING REMARKS

Dali L. Yang, University of Chicago
PARTICIPANT BIOS

In Alphabetical Order

CHEN Ling is Associate Professor and Deputy Director of Industrial Development and Environmental Governance (CIDEG) at the School of Public Policy and Management, Tsinghua University, China. Her research fields are on public policy process, science and technology policies and high-tech industrial policies. In recent years, she conducted research on the low carbon innovation of automobile industry, indigenous innovation policy, and China’s semiconductor industrial policy. She received her Bachelor’s of Arts in 1998, her Master’s Degree in economics in 2001, and Ph.D. in Public Management at Tsinghua University in 2005.

CHEN Ruoying is Associate Professor at Peking University Law School. She was previously a Lecturer and a John M. Olin Fellow at the University of Chicago Law School. Chen has also worked at Freshfields Bruckhaus Deringer in Beijing and Hong Kong, where she focused on foreign mergers and acquisitions, capital markets, asset disposition, restructuring, and overseas mergers and acquisitions. She holds LLM and JSD degrees from the University of Chicago, an MJur from Oxford University, and an LLB from Peking University Law School.
Dan Farber is the Sho Sato Professor of Law at the University of California, Berkeley. He is also the Co-Director of the Center for Law, Energy, and the Environment. Farber serves on the editorial board of Foundation Press. He is a member of the American Academy of Arts and Sciences and a Life Member of the American Law Institute. He is the editor of Issues in Legal Scholarship. Farber is a graduate of the University of Illinois, where he earned his B.A., M.A., and J.D. degrees. He graduated, summa cum laude, from the College of Law, where he was the class valedictorian and served as Editor-in-Chief of the University of Illinois Law Review. After graduation from law school, he was a law clerk for Judge Philip W. Tone of the United States Court of Appeals for the Seventh Circuit and then for Justice John Paul Stevens of the Supreme Court of the United States. Professor Farber practiced law with Sidley & Austin, where he primarily worked on energy issues, before joining the University of Illinois College of Law faculty in 1978. He was a member of the University of Minnesota Law School faculty from 1981 to 2002, where he was the McKnight Presidential Professor of Public Law. He also has been a Visiting Professor at the Stanford Law School, Harvard Law School, and the University of Chicago Law School. Among Farber’s eighteen books are Research Handbook On Public Choice And Public Law (Elgar 2010) (with A. O’Connell); Judgment Calls: Politics And Principle In Constitutional Law (Oxford University Press 2008) (with S. Sherry); Retained By The People: The "Silent" Ninth Amendment And The Rights Americans Don’t Know They Have (Basic Books 2007); and Lincoln’s Constitution (University of Chicago Press 2003).

Tom Ginsburg is Deputy Dean and Leo Spitz Professor of International Law, as well as a Ludwig and Hilde Wolf Research Scholar at the University of Chicago Law School. He is also a Professor of Political Science at the University of Chicago. Ginsburg focuses on comparative and international law from an interdisciplinary perspective. He holds B.A., J.D., and Ph.D. degrees from the University of California at Berkeley. His books include Judicial Review in New Democracies (2003), which won the C. Herman Pritchett Award from the American Political Science Association; The Endurance of National Constitutions (2009), which also won a best book prize from APSA; Constitutions in Authoritarian Regimes (2014); and Law and Development in Middle-Income Countries (2014). He currently co-directs the Comparative Constitutions Project, an effort funded by the National Science Foundation to gather and analyze the constitutions of all independent nation-states since 1789. Before entering law teaching, he served as a legal adviser at the Iran-U.S. Claims Tribunal, The Hague, Netherlands, and he continues to work with numerous international development agencies and foreign governments on legal and constitutional reform. He is a member of the American Academy of Arts and Sciences.
Michael Greenstone is the Milton Friedman Professor in Economics, the College, and the Harris School, as well as the Director of the interdisciplinary Energy Policy Institute at the University of Chicago. He previously served as the Chief Economist for President Obama’s Council of Economic Advisers, and currently serves on the Secretary of Energy’s Advisory Board. Greenstone also directed the Brookings Institution’s Hamilton Project, which studies policies to promote economic growth, and has since joined its Advisory Council. He is an elected member of the American Academy of Arts and Sciences and editor of the Journal of Political Economy. Before coming to Chicago, Greenstone was the 3M Professor of Environmental Economics at MIT. Greenstone’s research estimates the costs and benefits of environmental quality and society’s energy choices. He has worked extensively on the Clean Air Act and examined its impacts on air quality, manufacturing activity, housing prices, and human health to assess its benefits and costs. He is currently engaged in large-scale projects to estimate the economic costs of climate change and to identify efficient approaches to mitigating these costs. His research is increasingly focused on developing countries. This work includes an influential paper that demonstrated that high levels of particulates air pollution from coal combustion are causing the 500 million residents of Northern China to lose more than 2.5 billion years of life expectancy. He is also engaged in projects with the Government of India and four Indian state governments that use randomized control trials to test innovative ways to improve the functioning of environmental regulations and increase energy access. Greenstone received a Ph.D. in economics from Princeton University and a B.A. in economics with High Honors from Swarthmore College.

Daniel Hemel is an Assistant Professor of Law at the University of Chicago Law School. His research focuses on taxation, risk regulation, and innovation law. His current projects examine the taxation of risk-based returns; the application of cost-benefit analysis to tax administration; and the role of international law in providing innovation incentives. He teaches tax, administrative law, and torts at the University of Chicago Law School. Hemel graduated summa cum laude from Harvard College and received an M.Phil. with distinction from Oxford University, where he was a Marshall Scholar. He then earned his J.D. from Yale Law School, where he was editor-in-chief of the Yale Law Journal. Prior to his appointment, he was a law clerk to Associate Justice Elena Kagan on the U.S. Supreme Court. He also clerked for Judge Michael Boudin on the U.S. Court of Appeals for the First Circuit and Judge Sri Srinivasan on the U.S. Court of Appeals for the District of Columbia Circuit, and served as visiting counsel at the Joint Committee on Taxation.
Koichiro ITO is an Assistant Professor at Harris School of Public Policy at University of Chicago. He received a BA from Kyoto University, a MA from University of British Columbia, and a PhD from UC Berkeley. Prior to joining University of Chicago, he was a SIEPR Postdoctoral Fellow at Stanford University and an Assistant Professor at Boston University. His research interests lie at the intersection of environmental and energy economics, industrial organization, and public economics. These include analyses of how consumers respond to nonlinear pricing, dynamic pricing, and rebate programs in electricity markets, how intrinsic and extrinsic motivation affects their economics decisions, how firms strategically react to attribute-based regulation such as fuel economy standards, and how firms respond to dynamic incentives in sequential forward markets in wholesale electricity markets. His research uses randomized field experiments and quasi-experimental designs to address policy relevant questions in energy and environmental policy. Professor Ito is also a Faculty Research Fellow at the National Bureau of Economic Research, a Faculty Affiliate at the E2e Project, a Faculty Fellow at Abdul Latif Jameel Poverty Action Lab, a Research Fellow at the Research Institute of Economy, Trade and Industry, and a Research Fellow at the Graduate School of Economics at Kyoto University.

LIU Bing is an Associate Professor at the China Academy of Social Management and the School of Sociology at Beijing Normal University. Liu has a doctoral degree in economics from Zhejiang University. She is primarily interested in environmental risk governance, emergency management, and public participation.

Robert Percival is the Robert F. Stanton Professor of Law and Director of the Environmental Law Program at the University of Maryland Francis King Carey School of Law. Percival joined the Maryland faculty in 1987 after serving as senior attorney for the Environmental Defense Fund. While in law school, he served as managing editor of the Stanford Law Review and was named the Nathan Abbott Scholar for graduating first in his class. Percival served as a law clerk for Judge Shirley M. Hufstedler of the U.S. Court of Appeals for the Ninth Circuit and for U.S. Supreme Court Justice Byron R. White. Percival also served as a special assistant to the first U.S. Secretary of Education. Percival is internationally recognized as a leading scholar and teacher in environmental law. Since 1992 he has been the principal author of the country’s most widely used casebook in environmental law, Environmental Regulation: Law, Science & Policy, now in its seventh edition. He is the author of more than 100 publications that focus on environmental law, federalism, presidential powers, regulatory policy and legal history. Percival has taught as a visiting professor of law at Harvard Law School in 2000 and 2009 and at
Georgetown University Law Center in 2005 and 2011. During the spring semester 2008, Percival taught as a J. William Fulbright Distinguished Lecturer at the China University of Political Science and Law in Beijing. Percival is a highly popular guest lecturer who has given hundreds of lectures, paper presentations, and workshops in 29 countries on six continents. In 2009, he represented the U.S. Department of State on a lecture tour of China. Percival has served as the Natural Resource Law Institute Distinguished Visitor at Lewis & Clark College of Law, as a visiting professor of law at the University of Chile where he helped establish South America’s first environmental law clinic, and as a high-level visiting foreign expert at Shanghai Jiaotong University’s KoGuan Law School. Percival has led seven environmental law student field trips to China and two to the Middle East. He is a member of the IUCN Commission on Environmental Law and one of the founding members of the IUCN Academy of Environmental Law. Percival has served on the Board of Directors of the Environmental Law Institute and as co-chair of the steering committee of the D.C. Bar’s Section on Environmental, Energy and Natural Resources Law. He is an elected member of the American Law Institute, the American College of Environmental Lawyers, and the National Committee on U.S.-China Relations. Percival has served as the contributing editor for Environment and Natural Resources for the Federal Circuit Bar Journal, as a special master for the U.S. District Court of Maryland, and as a member of the state of Maryland’s Environmental Restoration and Development Task Force.

**QIN Hu** is Director of Research at the Environmental Defense Fund (EDF) China Program. Qin received a Ph.D. from enmin University of China, a Master of Public Management from Tsinghua University and a B.A. from the University of Science and Technology in Beijing. He has more than ten years of work experience focused on finding different approaches to help strengthen China’s environmental enforcement capacity. Now as the Director of Research, Qin is leading a research team in the EDF China Program to provide intelligent support for EDF’s policy endorsement and training in the arena of environment, energy and economy. He also serves as the Coordinator of the China Energy Modeling Forum (CEMF) jointly established by EDF and Tsinghua University.

**Erin Ryan** is a Professor at Florida State University College of Law teaching in the areas of environmental and natural resources law, property and land use, water law, negotiation, and federalism. She has presented widely in the United States, Europe, and Asia, including the Ninth Circuit Judicial Conference, the National Association of Attorneys General, the United States Forest Service, and the United Nations Institute for Training and Research. She has advised National Sea Grant multilevel governance studies involving Chesapeake Bay and consulted with multiple institutions on developing sustainability programs. She has been featured in the Chicago Tribune, the London Financial Times, the Associated Press, Thomson-Reuters Beijing, the Huffington Post, National Public Radio, and NBC and CBS Television News. She is the author of many scholarly works, including Federalism and the Tug of War Within (Oxford University Press 2012). Prior to law school, Ryan served as a U.S. Forest Service ranger on the Mono Lake District of the Inyo National Forest, east of Yosemite National Park. While a law student, she was an editor of
Mark N. Templeton is Associate Clinical Professor of Law and Director of the Abrams Environmental Law Clinic at the University of Chicago Law School. Immediately prior, Templeton served as Executive Director of the Office of Independent Trustees for the Deepwater Horizon Oil Spill Trust. In this role, Templeton helped to ensure that the $20 billion pledged by BP is available to address the claims of those affected by the 2010 Deepwater Horizon Oil Spill. Previously, Templeton served in the cabinet of Missouri Governor Jay Nixon as Director of the Department of Natural Resources, leading the State's efforts in energy, environmental protection, state parks, and water resources. He managed approximately 1750 FTEs, oversaw a $310 million annual budget, and directed an additional $350 million of one-time American Recovery and Reinvestment Act funds. From 2005 to 2009, Templeton served as Associate Dean and COO at Yale Law School. From 2001 to 2005, he developed environmental and sustainability strategies at McKinsey & Company, among other projects. Prior to joining McKinsey, Templeton was special assistant and senior adviser to the U.S. Assistant Secretary of State for Democracy, Human Rights and Labor and an adviser to the U.S. Delegation to the U.N. Commission on Human Rights. He was a Financial Analyst at Goldman Sachs from 1994 to 1996. Templeton earned a bachelor’s degree, magna cum laude, in social studies from Harvard College in 1994 and a JD from Yale Law School in 1999.

XUE Lan is Cheung Kong Chair Professor and Dean of the School of Public Policy and Management at Tsinghua University. He is also the Director of the China Institute for S&T Policy and a Deputy Director of the China Institute for Strategic Studies on Engineering and Technology Development. His teaching and research interests include public policy analysis and management, science and technology policy, and crisis management. He also serves as an adjunct professor at Carnegie Mellon University and a Non-Resident Senior Fellow of Brookings Institution. His many public service appointments include being a member of the Expert Committee on Emergency Management of the State Council of China, Vice President of China Association of Public Administration, Vice Chairman of the National Steering Committee for MPA Education, a member of the Visiting Committee for Harvard Kennedy School, a member of the Academic Advisory Board for the Blavatnik School of Government at Oxford University, and a member of the OECD Science, Technology and Innovation (STI) Advisory Group. He is a recipient of the Fudan Distinguished Contribution Award for Management Science. In 2012, he was invited to serve as the co-chair of the Leadership Council of the UN Sustainable Development Solution Network (UNSDSN).
Dali L. Yang is the William Claude Reavis Professor in the Department of Political Science at the University of Chicago, a nonresident senior fellow at The Chicago Council on Global Affairs, and also the founding Faculty Director of the University of Chicago Center in Beijing. He was previously chairman of political science, director of the Center for East Asian Studies and director of the Committee on International Relations, all at the University of Chicago. He also is a former director of the East Asian Institute at the National University of Singapore. Yang is a member of the Committee of 100 and the National Committee on U.S.-China Relations. He is also on the Advisory Board of the Paulson Institute. He received his engineering degree from Beijing Science and Technology University and his Ph.D. in political science from Princeton University. Yang’s research interests include the politics of China’s development, particularly regulation, governance and state-society relations. Among his books are Remaking the Chinese Leviathan: Market Transition and the Politics of Governance in China (Stanford University Press, 2004), Calamity and Reform in China: State, Rural Society and Institutional Change since the Great Leap Famine (Stanford University Press, 1996) and Beyond Beijing: Liberalization and the Regions in China (Routledge, 1997). He was a contributor to The United States and the Rise of China and India, by the Chicago Council on Global Affairs and Holding China Together: Diversity and National Integration in Post-Deng China (Cambridge University Press, 2004). He also is editor or co-editor of several other volumes, most recently The Global Recession and China’s Political Economy (Palgrave, 2012). He has served on various committees and organizations and serves on the editorial boards of Asian Perspective, American Political Science Review, Journal of Contemporary China and World Politics.

Cynthia Zeltwanger is Executive Director of the Paulson Institute. In this role, she manages daily operations and workflows of the Institute’s staff in the U.S. and China. In concert with Chairman Henry M. Paulson, Jr. she also oversees the implementation of programs and policies that support the Institute’s mission. Previously, Zeltwanger served as the Founder of C Zelt Enterprises, a consulting firm focused on leadership development and executive coaching. She also was Co-Founder of Atlas5 Financial, a management consulting firm providing strategic advice, performance enhancement and other restructuring services for financial institutions. Prior to her consulting experience, Zeltwanger was the global chief operating officer for NEWEDGE Group. During a 17-year career at FIMAT USA, a subsidiary of Societe Generale, she served in multiple capacities, including chief executive officer and managing director for the Americas, chief operating officer and general manager of the Chicago office, general manager of the New York office, and general counsel. Zeltwanger is affiliated with numerous professional organizations, including Women’s Leadership Collaboration West and Women in Listed Derivatives which, under her direction, created and successfully implemented the ongoing mentorship program to promote the advancement of women in financial services. Additionally, she is a co-founder of the Women’s Leadership Lab, where she will continue to facilitate periodic leadership programs. She earned her J.D. from Kent College of Law and a B.A. in Business Administration from Ball State University.
ZHANG Fan is a Visiting Research Scholar in the Department of Political Science, and a 2015-2016 Neubauer Collegium Visiting Fellow at the University of Chicago. Most of Zhang’s research has been focused on administrative reform in China. As a postdoctoral research fellow (2012-2014) in the School of Public Policy and Management (SPPM) at Tsinghua University, she participated in research programs on China’s regulatory reform, China’s civil service reform and China’s governmental risk management. Recently much of her research focuses on the “Comparative Analysis on Environmental Governance System and Capacity between China and the United States.”

ZHAO Huiyu is Associate Professor of Law at KoGuan Law School at Shanghai Jiaotong University. Zhao’s areas of expertise include environmental law, energy law, natural resources law, and the Chinese judicial system and reform. Her published textbooks include *Legal Study on Ecosystem Management* and *Environmental Resources Law*. She also has numerous journal and news articles published. From 2012-2013, she served as a visiting scholar at the University of Maryland School of Law. She earned her BE degree from Henan Institute of Finance and Economics, her LLM degree in Economic Law from Zhengzhou University, and her DrJur in Environmental Law from Wuhan University.

ZHU Xufeng is a Professor at the School of Public Policy and Management at Tsinghua University. Zhu earned his bachelor’s degree in environment engineering and doctoral degree in public management from Tsinghua University in 2000 and 2005. Before he moved back to Tsinghua University, he served as Professor at the Zhou Enlai School of Government at Nankai University. His research interests involve policy process, think tanks and expert participation, science and technology policy, environment and climate policy, and public governance in transitional China.