



COLLOQUIUM ON
**ENVIRONMENTAL
SCHOLARSHIP**
at Vermont Law and Graduate School



SATURDAY, SEPTEMBER 24, 2022

South Royalton, Vermont



GETTING STARTED

LOCATION

The colloquium will be held in-person at Vermont Law and Graduate School, Debevoise Hall, 164 Chelsea Street, South Royalton, Vt. Parking is free and unrestricted, and several EV chargers are available. Masking is optional for participants.

PRESENTATIONS

Each presenter has five to seven minutes of presentation time, followed by a 10 to 20 minute Q&A session, or feedback from the audience. Presenters typically use this time to provide a brief synopsis of their paper, in general terms, because interested audience members and fellow panelists have read their paper in advance and do not require a thorough explanation of every section of the paper. Timing of the formal presentation will be strictly enforced out of respect for other presenters, and to adhere to the overall schedule.

PowerPoints and other aids are discouraged, given the very limited amount of formal presentation time. Presenters are expected to read the paper drafts for the other papers in their session and provide comments in writing or during the Q&A.

PAPERS

Presenters are expected to read the paper drafts for the other papers in their session and provide comments in writing or during the Q&A.

Draft papers can be uploaded here:

secure.vermontlaw.edu/elc/colloquium/upload/

Username: CES2022

Password: tsm39dbk

Draft papers can be viewed here:

secure.vermontlaw.edu/elc/colloquium/papers/

Username: CES2022

Password: tsm39dbk

SCHEDULE FOR PARTICIPANTS

Friday, September 23

5 to 7 p.m.

Welcome Reception

The Norwich Inn, Norwich, Vt.

Drinks and hors d'oeuvres provided. Welcome remarks by:

Jennifer Rushlow, Dean, Vermont School for the Environment; Faculty Director, Environmental Law Center; Interim Dean, Vermont Graduate School; Professor of Law, Vermont Law and Graduate School

Saturday, September 24

8:15 a.m.

Coach bus departs from The Norwich Inn. Please be on time.

8:45 to 9:10 a.m.

Welcome Remarks and Headquarters

Yates Common Room, Debevoise Hall

Continental breakfast provided. Welcome remarks by:

Delcianna Winders, Director, Colloquium on Environmental Scholarship; Director, Animal Law and Policy Institute; Associate Professor of Law, Vermont Law and Graduate School

9:15 to 10:45 a.m.

First Panel Session – Panel 1A: Environmental Justice / Equity / Decolonization

Oakes Hall, Room 107

Moderator/Timekeeper: Michael Harris MSL'92, Vermont Law and Graduate School

- Nadia Ahmad, Barry University School of Law, *Evacuation Waves*
- Cinnamon Carlane, The Ohio State University College of Law, and Keith H. Hirokawa, Albany Law School, *Climate Dominance*
- Keith H. Hirokawa, Albany Law School, and Cinnamon Carlane, The Ohio State University College of Law, *Mapping Ecosystem Benefit Flows to Normalize Equity*
- Shalini Iyengar, Yale University, *Trochus Tales: Poaching, Protection, and Everything in Between*
- Jonathan Skinner-Thompson, University of Colorado Law School, *Tribal Air*



First Panel Session – Panel 1B: Private Governance / Corporate Accountability / Public-Private Governance

Oakes Hall, Room 110

Moderator/Timekeeper: **Kevin Jones**, Vermont Law and Graduate School

- **Lingxi Chenyang**, University of Utah S.J. Quinney College of Law, *Carbon Markets Beyond Pollution Control*
- **Josh Galperin**, Elisabeth Haub School of Law at Pace University, *The Public Role in Private Governance*
- **Alexia Brunet Marks**, University of Colorado Law School, *Regulating “Sustainable” Claims in the Food Sector*
- **Pianpian Wang**, Elisabeth Haub School of Law at Pace University, *From Polluters to Protectors: The Potential of Unilateral Environmental Commitments Made by Companies*

First Panel Session – Panel 1C: Water

Debevoise Hall, The Map Room

Moderator/Timekeeper: **Yanmei Lin**, Vermont Law and Graduate School

- **Caroleen Dineen**, Elon University School of Law, *Stemming the “Red Tide”: Legislative Approaches to Addressing the Contribution of Agricultural Nutrient Pollution to the Development and Consequences of Harmful Algal Blooms*
- **Cale Jaffe**, University of Virginia School of Law, and **Aspen Ono**, University of Virginia School of Law, *Ripple Effect: A Look at the Non-Water Quality Values That the Clean Water Act Protects*
- **Faye Matthews**, Elisabeth Haub School of Law at Pace University, *Water Wrongs*
- **Kalyani Robbins**, Loyola University Chicago School of Law, *Uncharted Waters: Can Water Rights Principles Stem the Tide of Ecosystem Services Loss?*
- **Jonathan Rosenbloom**, Albany Law School, *Catching Nutrients in a Net: Collective Action Challenges and Local Governments in the Mississippi Watershed*

10:45 to 11 a.m.

Break

Yates Common Room

Light refreshments provided.



SCHEDULE FOR PARTICIPANTS

11 a.m. to 12:30 p.m.

Second Panel Session – Panel 2A: Rights-Based Approaches

Oakes Hall, Room 107

Moderator/Timekeeper: Delcianna Winders, Vermont Law and Graduate School

- **Rebecca Bratspies**, City University of New York (CUNY) School of Law, *Administering Environmental Justice: How New York's Environmental Amendment Can and Should Transform State Administrative Law*
- **James May**, Widener University Delaware Law School, *Do Environmental Rights Matter?: An Examination of Performance Over Time*
- **Amber Polk**, Florida International University College of Law, *On the Phenomenon of Rights-Based Environmentalism*
- **Ethan Prall**, Rosenstiel School of Marine and Atmospheric Science, University of Miami, *New Directions for Animal Legal Personhood in the United States*

Second Panel Session – Panel 2B: Reenvisioning Resource Use Regulation

Oakes Hall, Room 110

Moderator/Timekeeper: Elinor Colbourn, Vermont Law and Graduate School

- **Jane Cohen**, University of Texas School of Law, *Forests and Fragmentation, Part One: Appreciation, Apprehension, Understanding*
- **Emmanuel Kasimbazi**, Makerere University School of Law, *Assessing the Effectiveness of the CITES Electronic Permitting System in Controlling Illegal Wildlife Trade in Uganda*
- **Sean Lyness**, New England Law | Boston, *Localizing the Public Trust*
- **Wyatt Sassman**, University of Denver Sturm College of Law, *Banning Extraction*

12:30 to 1:30 p.m.

Lunch

Yates Common Room



ENVIRONMENTAL SCHOLARSHIP

at Vermont Law and Graduate School

1:30 to 3 p.m.

Third Panel Session – Panel 3A: Governance

Oakes Hall, Room 107

Moderator/Timekeeper: [Kinvin Wroth](#), Vermont Law and Graduate School

- **Brig Daniels**, University of Utah, *Why Stop Grazing the Climate Commons?*
- **Heidi Gorovitz Robertson**, Cleveland-Marshall College of Law, *Towards an Effective Role in Environmental Decision-Making for Local Jurisdictions*
- **Jessica Owley**, University of Miami, *Pesticides and Marijuana: Environmental Regulation of Illegal Activity*
- **Shannon Roesler**, University of Iowa College of Law, *The Resilient Constitution*

Third Panel Session – Panel 3B: Regulating Energy Transitions

Oakes Hall, Room 110

Moderator/Timekeeper: [Jeannie Oliver LL.M.'14](#), Vermont Law and Graduate School

- **Nicholas Bryner**, Louisiana State University Law School, *The Once and Future Clean Air Act: Impacts of the Inflation Reduction Act on EPA's Regulatory Authority*
- **Jada Garofalo**, ABT Associates, *In an Increasingly Parched West, Can Wyoming Walk the Line Between Water Conservation and Consumption?*
- **Mark James LL.M.'17**, Vermont Law and Graduate School, *Securitizing the Just Transition*
- **Heather Payne**, Seton Hall University School of Law, *Regulating for Virtual Energy*
- **Melissa Powers**, Lewis & Clark Law School, *Energy Justice as Gas Death Spirals, or FERC and the Major Questions Doctrine*
- **Gina Warren**, University of Houston Law Center, *The Ethics of Energy and Environmental Justice*

3 to 3:15 p.m.

Yates Common Room

Break

Light refreshments provided.



SCHEDULE FOR PARTICIPANTS

3:15 to 4:45 p.m.

Fourth Panel Session – Panel 4A: Critical Assessments

Oakes Hall, Room 107

Moderator/Timekeeper: **Siu Tip Lam**, Vermont Law and Graduate School

- **Annie Brett**, Stetson University of Florida Fredric G. Levin College of Law, *Information Forcing's False Promise*
- **James Chen**, Michigan State University College of Law, *Relevance, Redundancy, and Regularization: Penalized Regression and the Quest for the ℓ_0 Quasi-Norm*
- **Timothy Malloy**, University of California, Los Angeles School of Law, *Wrangling Agency Decision-Making*
- **Anna Mance**, Stanford Law School, *Private Power in Environmental Enforcement*
- **Edward Richards**, Louisiana State University Law School, *A Hard Look at the Environmental Review of Beach Restoration Projects*
- **Kinvin Wroth**, Vermont Law and Graduate School and **Hoi Kong**, McGill University, *The United States-Mexico-Canada Agreement and the Environment—Two-Year Review*

Fourth Panel Session – Panel 4B: Liabilities / Remedies

Oakes Hall, Room 110

Moderator/Timekeeper: **Jennifer Rushlow**, Vermont Law and Graduate School

- **Paul Boudreaux**, Stetson University College of Law, *The Cockeyed Law of Environmental Injunctions*
- **John Dernback**, Widener University Delaware Law School, *Judicial Remedies for Climate Disruption: A Preliminary Assessment*
- **Tracy Hester**, University of Houston Law Center, *Carbon Restructuring and Climate Bankruptcy*
- **Yanmei Lin**, Vermont Law and Graduate School and **Hao Zhuang**, Vermont Law and Graduate School, *A New Empirical View on Environmental Law Enforcement in China - Implementation of EPIL in Yangtze River Region*
- **Anthony Moffa**, University of Maine School of Law, *From Comprehensive Liability to Climate Liability: The Case for a Climate Adaptation Resilience and Liability Act (CARLA)*
- **Jitender Singh Dhull**, Maharshi Dayanand University, *Environment Pollution and its International Concern*



ENVIRONMENTAL SCHOLARSHIP

at Vermont Law and Graduate School

4:50 to 5 p.m.

Group Photo

Debevoise Back Lawn

Exit through Yates Common Room to the back lawn for a group photo.

Don't be late!

5 to 6 p.m.

Cocktails and Conversation

Yates Common Room

6 to 7:15 p.m.

Dinner

Yates Common Room

Live music provided by local musicians Doug Perkins and Andy Smith.

7:30 p.m.

Bus returns to The Norwich Inn after Dinner.

Sunday, September 25

8:30 to 10:30 a.m.

Field Excursion

Gile Mountain Trail, Norwich, Vt.

This optional field trip consists of an exploration led by Delcianna Winders. Participants are strongly encouraged to carpool to the trailhead, and all are welcome. The hike affords excellent opportunities to enjoy the Vermont fall foliage. The field trip will conclude by mid-morning on Sunday to allow participants time to depart. Field trip is weather dependent.



Vermont Law and Graduate School
164 Chelsea Street, PO Box 96
South Royalton, VT 05068
vermontlaw.edu