

## STEPHANIE TAI

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### EDUCATION **Georgetown University Law Center**

Washington, DC

J.D., cum laude, May 2000

Journal: Editor-in-Chief, Georgetown International  
Environmental Law Review

Clinic: Institute for Public Representation

Moot Court: Georgetown Manfred

Lachs Space Law Moot Court Team

#### **Tufts**

#### **University**

Medford, MA

Ph.D., Chemistry, 1997

#### **Massachusetts Institute of Technology**

Cambridge, MA

S.B., Chemistry (minor in Literature), 1992

### LEGAL **University of Wisconsin School of** TEACHING **Law**

EXPERIENCE Madison, WI

Assistant Professor (2006–present)

- Administrative Law
- Environmental Law
- Comparative Water Law
- Safety Law
- Agricultural Law and the Environment
- Legislation
- Natural Resources
- Comparative Food

### **Washington and Lee University School of Law**

Lexington, VA

Visiting Professor (2005–2006 academic year)

- Natural Resources Law
- Catastrophic Environmental and Health Risk Seminar
- American Public Law Process (Administrative Law and legal writing for first year law students)

**Georgetown University Law  
Center**

Washington, DC

Adjunct Professor (2004 – 2005 and 2002–2003  
academic years)

- Introduction to Scholarly Note Writing
- Applied Scholarly Editing

JUDICIAL     **The Honorable Ronald Lee**  
CLERKSHIP   **Gilman**

Memphis, TN

**U.S. Court of Appeals for the Sixth  
Circuit**

(Sept. 2000 – Sept. 2001)

LEGAL         **U.S. Department of**  
PRACTICE    **Justice**

EXPERIENCE Washington, DC

Attorney, Appellate Section, Environment and Natural  
Resources Division         (Nov. 2001 – Mar. 2005)

**Institute for Global Environmental  
Strategies**

Kanagawa, Japan

Editor-in-Chief (Summer 2000)

PRIMARY PUBLICATION S • The European Food Safety Authority: A Look from the United States, in *EFSA@10 – NEW DIRECTIONS IN EUROPEAN FOOD LAW* (Alberto Alemanno, ed., forthcoming 2013).

• The Art and Craft of International Environmental Law as Foundation for Constructive Deliberative Democratic Conversations, Book Review, *SANTA CLARA J. INT’L L.* (forthcoming 2012).

• The Rise of U.S. Food Safety Litigation, 85 *S. CAL. L. REV.* 1069 (2012)). This article provides one of the first critical looks at the interface between the values of the sustainable food movement and its rising use of litigation. In particular, it focuses on two growing areas of food sustainability litigation—challenges to CAFOs and challenges to the use of genetically modified organisms (GMOs) in the food system—chosen because they involve growing sectors of U.S. agriculture over which members of the sustainable food movement have raised significant concerns.

• When Natural Science Meets the Dismal Science, 42 *A.S.U. L.J.* 949 (2010). This article examines how courts have incorporated into their Commerce Clause jurisprudence evolving research in two fields of empirical study: natural science and economics, focusing on wetlands protection as an area in which both of these fields raise relevant concerns.

• Comparing Approaches Towards Governing Scientific Advisory Bodies on Food Safety in the United States and the European Union, 2010 *WISC. L. REV.* 627 (2010). This article presents a comparison between how the United States and the European Commission govern the scientific advisory bodies that provide information to their food safety regulatory institutions by examining the processes through which the U.S. Food and Drug Administration’s Food Advisory Committee and the European Food Safety Authority advise government decision makers in areas of food safety risks. The article brings attention to the ways in which expert institutional structures reflect different conceptions of the nature of scientific expertise and provides practical insights relevant to theoretical discussions regarding the nature of scientific expertise.

• Science Policy Through the Lens of U.S. Domestic Climate Change Litigation, 27 *WISC. INT’L L. J.* 462 (2010). This article highlights the impact that recent climate change cases have had on overall climate change research policy in the United States by exploring in a qualitative manner how a number of climate-change related cases may have influenced the direction of climate change research beyond that already generated through grant-funded research. The article argues that the litigation process presents a factor in

- SELECTED  
CO-  
AUTHORED  
PUBLICATIONS
- Melissa Scanlan & Stephanie Tai, Marginalized Monitoring: Adaptively Managing Urban Stormwater, *UCLA J. ENV'T'L LAW & POL'Y* (forthcoming 2013).
  - Maria Powell, Martin Griffin, & Stephanie Tai, Bottom-Up Risk Regulation? How Nanotechnology Risk Data Gaps Challenge U.S. Federal, State, and Local Environmental Regulatory Capacities, 42 *ENVIRONMENTAL MANAGEMENT* 426 (2008).
  - Gary O'Connor & Stephanie Tai, Legal and Appellate Weblogs, 5 *J. APP. PRAC. & PROCESS* 205 (2003).
  - Stephanie Tai & Andrew Loewenstein et al., Towards a Greener Peace: Nuclear Reprocessing and Security in East Asia, in *INTERNATIONAL ENVIRONMENTAL COOPERATION: DIPLOMACY AND POLITICS IN THE ASIA-PACIFIC* (Paul Harris ed., 2003).
  - Richard Lazarus & Stephanie Tai, Integrating Environmental Justice into EPA Permitting Authority, 26 *ECOLOGY L.Q.* 617 (1999).
  - Stephanie Tai et al., Reassignment of the Vibrational Spectra of  $\text{CH}_3\text{CHF}_2$  (HFC-152a),  $\text{CH}_3\text{CHF}_3$  (HFC-143a),  $\text{CHF}_2\text{CF}_3$  (HFC-125), and  $\text{CHCl}_2\text{CF}_3$  (HCFC-123), 55A *SPECTROCHIMICA ACTA* 9 (1999).
  - Stephanie Tai et al., Infrared Intensities, Atomic Charges, and Dipole Moments in the Fluoroethane Series Using Atomic Polar Tensor Analysis, 101 *J. PHYSICAL CHEMISTRY A* 9749 (1997).

LECTURES & PRESENTATION  
S • Becoming a Science Translator: Moving from Chemistry Into Law, Women in Science and Engineering Seminar, University of Wisconsin (Dec. 4, 2012).

- From Agricultural and Food Law to Food Systems Law: Teaching Farm to Fork, Vermont Law School (July 19, 2012).
- Lost in Translation: How Regulators Use Science and How Scientists Can Help Bridge Gaps, Colloquium Speaker, University of Wisconsin Chemistry Department (Mar. 15, 2012).
- The Tale of Two Sacred Cows:: Industrial Dairy Farms, Raw Milk, and the Tensions of Science and Public Participation, Brown Bag Lecture, University of Wisconsin Holtz Center (Feb. 23, 2012).
- EPA's Clean Air Act Regulation: Good Public Policy or Government Overreach?, Panelist, Federalist Society Debate, Madison, WI (Feb. 22, 2012).
- The Tale of Two Sacred Cows:: Industrial Dairy Farms, Raw Milk, and the Tensions of Science and Public Participation, Speaker, Annual Meeting of the Society for Social Studies of Science, Cleveland, OH (Nov. 4, 2011).
- The Tale of Two Sacred Cows:: Industrial Dairy Farms, Raw Milk, and the Tensions of Science and Public Participation, Speaker, Association of the Study of Law, Culture, and the Humanities National Conference, Las Vegas, NV (March 12, 2011).
- What China Is Doing about What It Doesn't Know: Exploring the Regulatory Robustness of China's New Food Safety Law, Invited Speaker, East Asian Legal Studies Center, Harvard Law School, Cambridge, MA (Nov. 29, 2010).
- Food Safety in a Globally Connected World, Invited Lecturer, Globalization: Community Lecture Series, UW-Washington County, West Bend, WI (Nov. 3, 2010).
- The Intersection of Agriculture, Food, and the Environment: Concentrated Animal Feeding Operations and Genetically Modified Organisms, Invited Panel Speaker, Environmental Law: Legal and Policy Challenges in the 21st Century, Georgetown University Law Center, Washington, DC (October 15, 2010).
- Judicial Review of Agency Decisions in the Face of Scientific Uncertainty, Invited Speaker, Shanghai Jiao Tong University Law School, Shanghai, China (Sept. 8, 2010).
- Judicial Review of Agency Decisions in the Face of Scientific Uncertainty, Invited Speaker and Panel Commentator, Conference on Comparative Administrative Law, Zhejiang University Hangzhou, China (Sept. 6, 2010).
- When Natural Science Meets the Dismal Science, Invited Lecture, Doshisha University, Kyoto, Japan (June 1, 2010).

WORKS IN  
PROGRESS

- **What China Is Doing About What It Doesn't Know: Exploring the Regulatory Robustness of China's New Food Safety Law** (to be submitted). This article examines China's new Food Safety law from the perspective of regulatory robustness: that is, the ability of a regulatory system to respond to uncertain inputs and events. In particular, the article explores the potential effectiveness of the particular mechanisms chosen to address existing uncertainties. The article ultimately argues that the Food Safety Law, while significantly strengthening China's ability to deal with food safety issues by clarifying standards and penalties and requiring risk assessments, is still inadequately robust in areas of institutional and enforcement uncertainties.
- **The Tale of Two Sacred Cows:: Industrial Dairy Farms, Raw Milk, and the Tensions of Science and Public Participation.** This article examines two types of legal conflicts: one involving the regulation of confined animal feeding operations, or CAFOs, and another involving the legalization of sales of raw milk. It draws from literature regarding science in public participation--specifically, discussions of the role of public participation in specific legal frameworks, from legislation to regulation to litigation.

TEACHING  
&  
RESEARCH  
INTERESTS

Primary: environmental law, administrative law, property, torts, natural resources law, and agricultural law.  
Secondary: law and science, legislation, federal courts, appellate advocacy.

AWARDS

**Special Commendation** for Outstanding Service in the Environment and Natural Resources Division of the U.S. Department of Justice, Fall 2003 and 2004.  
**U.S. Manfred Lachs Space Law Moot Court Competition**, Best Brief and Overall Runners-Up, Team Competition, Spring 2000.  
**Georgetown University Law Center Leahy Moot Court Competition**, Best Brief, Fall 1999.  
**Graduate Research Traineeship in Environmental Chemistry**, National Science Foundation, June 1994.  
**Graduate Student Fellowship**, Tufts University Center for Environmental Management, for project: Global Warming Potential and Infrared Intensities of Technological Gases: Experimental and Computational Studies, June 1993.

**SELECTED As lead counsel**

**MAJOR  
LITIGATION**

- *Decker v. Northwest Environmental Defense Center*, S. Ct. Nos. 11–338, 11–347 (2012) (representing former senior environmental agency officials in describing the feasibility of managing forestry roads as point sources).
- *Selkirk Conservation Alliance v. U.S. Forest Service*, 336 F.3d 944 (9th Cir. 2003) (defending the grant of an easement to a lumber company for a road-building project in a national forest from challenges under the National Environmental Policy Act and the Endangered Species Act).
- *GDF Realty v. Norton*, 326 F.3d 622 (5th Cir. 2003) (defending the application of the Endangered Species Act to intrastate endangered cave invertebrates from a Commerce Clause challenge).
- *Indiana Forest Alliance v. U.S. Forest Service*, 325 F.3d 851 (7th Cir. 2003) (defending a decision to implement a plan to maintain forest openings in a national forest from challenges raised under the National Environmental Policy Act and the National Forest Management Act).

**As co-counsel**

- *Monsanto v. Geertson Seed Farms*, S. Ct. No. 09–475 (2010) (representing amicus organic farmers in presenting the impacts they would face from deregulation of genetically modified alfalfa).
- *Entergy Corp. v. Environmental Protection Agency*, S. Ct. Nos. 07–588, 07–589, 07–597 (2008) (explaining how the EPA’s cost-benefit approach to evaluating cooling water intake structures will affect amicus commercial fishers).
- *Massachusetts v. Environmental Protection Agency*, S. Ct. No. 05–1120 (2006) (representing an amicus group of climate scientists who explain the current state of climate change science with a focus on its certainties).
- *Environmental Defense v. Duke Energy Corp.*, S. Ct. No. 05–0848 (2006) (representing an amicus group of legislators who argue that the Clean Air Act treats the increase in annual emissions that resulted from improvements made to Duke Energy’s generators as regulated major modifications).
- *United States v. Phillips*, 367 F.3d 846 (9th Cir. 2004) (defending a defendant’s conviction under the Clean Water Act and explaining the application of Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act to the defendant’s case).

**SELECTED PROFESSIONAL ACTIVITIES** American Bar Association Special Committee on Environmental Law (2010–present).

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**ACTIVITIES** The Green Bag Board of Advisors (2009–2012).

**Institute of Medicine Committee on Decision-Making Under Uncertainty**  
(2007–present).

**Midwest Environmental Advocates Board of Advisors**  
(2007–present).

**Edward M. Coke Appellate Inn of Court**  
(Mar. 2004 – May 2005).



