

TSEMING YANG

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PROFESSIONAL BACKGROUND

Santa Clara University School of Law **Santa Clara, CA**
Professor of Law (August 2012 – present), **Faculty Director of Graduate Legal Program** (2013 – 2014). Research focus on U.S., international and comparative environmental law and policy, including environmental enforcement, climate change, environmental justice, and China's environmental and energy governance system. Courses: torts, administrative law, environmental justice, climate change law, international environmental law, natural resources law, energy law.

United States Environmental Protection Agency **Washington, DC**
Deputy General Counsel (June 2010 – July 2012, Presidential appointment). Act as alter ego of General Counsel, provide legal counsel to EPA Administrator Jackson and other senior Agency leadership, represent the Agency in domestic and international meetings, and help direct work of career legal staff. Also directly supervise the international environmental law, Native American law, and Title VI Civil Rights law practice.

Vermont Law School **South Royalton, VT**
Professor of Law (1998-2012, on leave to EPA June 2010 – 2012) (full professor with tenure since 2003). Service on Appointments Committee, Dean's Advisory Committee, Faculty Development Committee. Faculty advisor for Vermont Journal of Environmental Law and Asian Pacific American Law Students Association. **Director and Chief of Party, US-China Partnership for Environmental Law** (2007-present); **Environmental Studies Component Leader & Steering Committee Member** (2006-2007), see also below. Courses: torts, administrative law, environmental law courses (international environmental law and policy, environmental justice seminar, global climate change seminar, comparative US-China environmental law), race and the law seminar.

Vermont Law School's US-China Partnership for Environmental Law, Director and Chief of Party (2007-2010), **Environmental Studies Component Leader & Steering Committee Member** (2006-2007). Director of USAID and State Department-funded partnership with leading Chinese law schools to advance environmental and energy law and governance in China. Responsible for raising over \$5 million in federal and foundation funding, managing over \$1 million annual program budget, ensuring compliance with USAID regulations, organizing conferences and training workshops, planning of research program, managing relationship with partner institutions, and mentoring visiting scholars and students. Partnership trained Chinese law professors, judges, government officials, and private bar in environmental and energy law, provided technical assistance to reform China's environmental and energy law system, and helped build

environmental and energy law programs at Chinese law schools. Between 2007 and 2010, the Partnership trained over 1500 individuals.

Tsinghua University School of Law

Beijing, China

J. William Fulbright Lecturer (fall 2005). Taught torts and international environmental law.

University of Pittsburgh, School of Law

Pittsburgh, PA

Visiting Professor (fall 2004). Taught torts and international environmental law.

University of Petrozavodsk

Petrozavodsk, Russia

Lecturer for Vermont Law School/Petrozavodsk Karelia Summer Environmental Law Program Faculty (Summer 2000); seminar on pollution trading under the Clean Air Act.

United States Department of Justice

Washington, D.C.

Attorney in *Policy, Legislation, and Special Litigation Section of the Environment and Natural Resources Division* (1994-1998). Developed Department positions on pollution and natural resource issues and federal Indian law. Worked with EPA, the State Department, and other agencies on the development of U.S. positions related to international issues. Also involved in appellate and U.S. Supreme Court litigation.

Latham & Watkins

San Francisco, CA

Associate Attorney (1993-94). Primary focus on general business and environmental litigation; also worked on pro bono Title VI civil rights case; administrative health care litigation.

U.S. District Court, Southern District of California

San Diego, CA

Law Clerk to District Court Judge Rudi M. Brewster (1992-93).

CURRENT PROFESSIONAL AFFILIATIONS & MEMBERSHIPS

Transnational Environmental Law (Cambridge University Press), Board of Advisors, Member (2015-present)

International Environmental Law e-Journal, Social Science Research Network, *Co-editor* (together with Professor David Caron) (2009 – present)

Earthjustice, Board of Trustees, Member (2013-present)

American Law Institute, Member (2012-present)

IUCN Commission on Environmental Law, Member (2010-present)

National Committee on US-China Relations, Member (2009-present)

PROFESSIONAL AND COMMUNITY SERVICE

American Bar Association

ABA Task Force on Sustainable Development, Member (2013-2015)

American Society of International Law

2012 Annual Meeting Program Committee Member, Energy & Environment Track (2011-2012)

IUCN Academy for Environmental Law

Teaching and Capacity-building Committee (2010-2011).

Fulbright Program/Council for International Exchange of Scholars

Peer Review Committee member for **China/Hong Kong/Taiwan Fulbright Program**, Council for International Exchanges of Scholars (2006-2007). **Peer Review Committee member of China Fulbright Program** (2005).

Association of American Law Schools

Mid-year conference organizer, "Teaching Environmental Law in a Global Context" (2004).

EPA National Environmental Justice Advisory Council

Executive Council Member (1998-2003); **International Subcommittee Chair** (2002-2003), **Vice-chair** (2001-2002), **Member** (1998-2003). Appointed by EPA Administrator Carol Browner to federal advisory committee on environmental justice; issues included Title VI Guidance, Executive Order 12898, US/Mexico Border, and trade and environment matters related to NAFTA.

National Asian Pacific American Bar Association (1999)

Asian Pacific American Bar Association of Washington, DC; Director (1995-96).

APABA Educational Fund of Washington, DC; Director (1995-97).

EDUCATION

U.C. Berkeley School of Law, Boalt Hall

Berkeley, CA

J.D., June 1992. *California Law Review* - Articles Editor (1991-92) and Member (1990-91); *Ecology Law Quarterly* - Member (1990).

Harvard University

Cambridge, MA

B.A. *magna cum laude* in Biochemistry, 1988. Harvard College Scholarship, Lamont Public Service Fellowship, Ford Foundation Grant for Undergraduate Research.

HONORS

Distinguished Environmental Advocate, American Bar Association (Section on Environment, Energy, and Resources), Washington, DC (2009-2010).

Honorary Visiting Professor, Sun Yat-sen University, School of Law, Guangzhou, China (2008-2011)

Special Commendation Award for Outstanding Service, Environment and Natural Resources Division, US Department of Justice (1998).

Certificate of Appreciation for Substantial Contribution to the Mission of the Community Relations Service, US Department of Justice (1997).

BAR ADMISSION

California State Bar (since 1993)

BOOKS & CHAPTERS

COMPARATIVE AND GLOBAL ENVIRONMENTAL LAW, with Lin Harmon-Walker, Anastasia Telesetsky, and Robert V. Percival, under contract with Wolters-Kluwer (forthcoming 2017).

The Relationship Between Domestic and International Environmental Law, in INTERNATIONAL ENVIRONMENTAL LAW: THE PRACTITIONER'S GUIDE TO THE LAWS OF THE PLANET (Roger Martella and Brett Grosko, eds., American Bar Association 2014).

The Top 10 Trends in International Environmental Law, in INTERNATIONAL ENVIRONMENTAL LAW: THE PRACTITIONER'S GUIDE TO THE LAWS OF THE PLANET (Roger Martella and Brett Grosko, eds., American Bar Association 2014).

"We the People" in China: Environmental Petitioning and Public Participation in Environmental Enforcement (with Xuehua Zhang, Ph.D.), in NEXT GENERATION ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT (LeRoy Paddock & Jessica Wentz, eds., ABA 2014).

Public Environmental Law in the United States, in PUBLIC ENVIRONMENTAL LAW IN THE EUROPEAN UNION AND THE UNITED STATES: A COMPARATIVE ANALYSIS (René Seerden, Michiel Heldeweg and Kurt Deketelaere eds., Kluwer Law International 2002).

International Environmental Protection: Human Rights and the North-South Divide, in JUSTICE AND NATURAL RESOURCES: DEFINING THE ISSUES AND SEEKING SOLUTIONS 87 (Kathryn M. Mutz et al. eds., Island Press 2002).

Chapter 52: Regulation of Transporters of Hazardous Waste and Materials, in CALIFORNIA ENVIRONMENTAL LAW (with J.W. Skow) (Matthew Bender & Co. 1995).

JOURNAL ARTICLES & ESSAYS

The Minamata Convention on Mercury and the Future of Multilateral Environmental Agreements, 45 ENVIRONMENTAL LAW REPORTER 10064 (Jan. 2015).

An Introduction to California's Greenhouse Gas Emission Trading Program, in Chinese (translated into Chinese by Prof. Wei Xu), JOURNAL OF JIANGSU UNIVERSITY, SOCIAL SCIENCE EDITION (Sept. 2013) (invited essay).

ASIL Insight: *The UN Rio + 20 Conference on Sustainable Development – What Happened?*, Sept. 5, 2012, available at <http://www.asil.org/pdfs/insights/insight120905.pdf>

Public Participation in Environmental Enforcement . . . with Chinese Characteristics?: A Comparative Assessment of China's Environmental Complaint Mechanism? (with Xuehua Zhang), 24 Georgetown International Environmental Law Review 325 (2012).

The Emerging Practice of Global Environmental Law, 1 TRANSNATIONAL ENVIRONMENTAL LAW 53-64 (2012) (invited essay for inaugural issue).

Environmental Tort Litigation in China (with Adam Moser), 41 ENVIRONMENTAL LAW REPORTER 10895 (2011).

The Emergence of Global Environmental Law (together with Robert V. Percival), 36 ECOLOGY LAW QUARTERLY 615 (2009).

The Implementation Challenge of Mitigating China's Greenhouse Gas Emissions, 20 GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW 681 (2008).

Introduction: Snapshots of the State of China's Environmental Regulatory System, 8 VT. J. ENV. L. 145 (2006-07) (symposium introduction).

International Treaty Enforcement as a Public Good: The Role of Institutional Deterrent Sanctions in International Environmental Agreements, 27 MICHIGAN JOURNAL OF INTERNATIONAL LAW 1131 (2006).

The Relevance of Treaty Structure: The Case of NAFTA and the Environment, AMERICAN SOCIETY OF INTERNATIONAL LAW ANNUAL MEETING PROCEEDINGS (2006) (essay).

Choice and Fraud in Racial Identification: The Dilemma of Policing the Integrity of Affirmative

Action, the Census, and a Color-Blind Society, 11 MICHIGAN JOURNAL OF RACE AND LAW 367 (2006).

Problem of Maintaining Emission Caps in Carbon Trading Programs without Federal Government Involvement: A Brief Examination of the Chicago Climate Exchange and the Northeast Regional Greenhouse Gas Initiative, 17 FORDHAM ENVIRONMENTAL LAW REVIEW 271 (2006) (symposium essay).

The Effectiveness of the NAFTA Environmental Side Agreement's Citizen Submission Process: A Case Study of the Metales y Derivados Matter, 76 UNIVERSITY OF COLORADO LAW REVIEW 443 (2005); reprinted in 36 LAND USE AND ENVIRONMENTAL LAW REVIEW ____ (2006) (selected by environmental law professors as one of the best environmental law articles of 2005).

Of Borders, Fences, and Global Environmentalism, 4 CHICAGO JOURNAL OF INTERNATIONAL LAW 237 (2003) (essay).

Melding Civil Rights and Environmentalism: Finding Environmental Justice's Place in Environmental Regulation, 26 HARVARD ENVIRONMENTAL LAW REVIEW. 1 (2002); translated into Chinese by Li Zhiping, Dai Xiang Yun, Zhou Yun Huan, Wang Jia Ling, Li Ling Yu, in INTERNATIONAL AND COMPARATIVE ENVIRONMENTAL LAW REVIEW, vol. 2, iss. 2 (2005).

The International Linkages of an Instance of Urban Environmental Inequity in Tijuana, Mexico, 31 FORDHAM URBAN LAW JOURNAL 1321 (2004) (symposium essay).

The Form and Substance of Environmental Justice: The Challenge of Title VI of the Civil Rights Act of 1964 for Environmental Regulation, 29 BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 143 (2002).

Environmental Regulation, Tort Law and Environmental Justice: What Could Have Been, 41 WASHBURN LAW JOURNAL 607 (2002).

Balancing Interests and Maximizing Rights in Environmental Justice, 23 VERMONT LAW REVIEW 529 (1999) (finalist for inclusion in volume 31 of the Land Use and Environment Law Review).

Free Trade and the Environment: The NAFTA, the NAAEC, and Implications for the Future, with Ignacia Moreno, James Rubin, and Russell Smith, 12 TULANE ENVIRONMENTAL LAW JOURNAL 405 (1999); excerpted in RALPH FOLSOM, MICHAEL GORDON & DAVID GANTZ, NAFTA AND FREE TRADE IN THE AMERICAS 706, 728 (Thomson/West, 2d ed., 2005).

Race, Religion, and Cultural Identity: Reconciling the Jurisprudence of Race and Religion, 73 INDIANA LAW JOURNAL 119 (1998).

OPINIONS/COMMENTARIES/ESSAYS

Mysteries, Myths, and Misunderstandings: Ten things that every American environmental professional should know about China before engaging with the world's second-largest economy," Environmental Forum (March/April 2016).

Obama's Vision Lands Historic Win for America and Global Survival, Austin American Statesman (Dec. 10, 2015) (and other McClatchy News publications).

By forcing needed change, EPA ensures future prosperity of auto, oil sectors (with Devani Adams), Las Vegas Sun Journal (Sept. 14, 2015) (and other McClatchy News publications).

Getting an Army Ready to Fight the War, Environmental Forum 39 (Sept./Oct. 2015).

New rules save consumers money by staving off huge costs of climate change, Fresno Bee (May 14, 2015) (and other McClatchy News publications).

Con: Tactic Ensures EPA Ignores Politics; Fulfills Its Mission, AUSTIN SUNDAY AMERICAN –STATEMAN (Jan. 5, 2014) (and 28 other McClatchy News publications, Dec. 19-Jan 5, 2014).

US Can Jump-start Its Economy By Taking The Lead In Green Energy, KANSAS CITY STAR (Feb. 14, 2013) (and other 60 other McClatchy News publications, e.g. Times of India, Denver Sunday Post) (Feb. 14-16, 2013)

Quicker Fix for Climate Change, CNN.com (Dec. 22, 2012).

OTHER PUBLICATIONS

The 2014 Revisions to China's Environmental Protection Law, RISK DIALOGUE MAGAZINE (Swiss Re Centre for Global Dialogue, 2014).

Climate Change Law and Lawyering at Santa Clara Law, SANTA CLARA LAW MAGAZINE, Spring 2013.