



PENN PROGRAM ON REGULATION

International Expert Dialogue on Regulatory Excellence

Discussion Paper Authors

Robert Baldwin

Professor of Law at the London School of Economics

Robert Baldwin is a Professor of Law at the LSE, where he teaches regulation and criminal law. He has written numerous books and articles on regulation, including the most widely academic volume on regulation in the UK, *Understanding Regulation* (Oxford, 1999). He has advised numerous corporations, international bodies, government departments and agencies on regulation, and is a member of the National Audit Office's Panel of Regulatory Experts. He led the team that wrote the Scoping Study for the Government's Review of Legal Services Regulation as well as the team that wrote the DEFRA Review of Enforcement, 2005-2006.

John Braithwaite

Distinguished Professor at the Australian National University

John Braithwaite is a Distinguished Professor and Founder of RegNet (the Regulatory Institutions Network) at the Australian National University. Since 2004 he has led a 25-year comparative project called *Peacebuilding Compared* (most recent book: *Networked Governance of Freedom and Tyranny* (2012, with Hilary Charlesworth and Aderito Soares). He also works on business regulation and the crime problem. His best known research is on the ideas of responsive regulation (for which the most recent book is *Regulatory Capitalism: How it works, ideas for making it work better* (2008)) and restorative justice (most useful book, *Restorative Justice and Responsive Regulation* (2002)). Reintegrative shaming has also been an important focus (see Eliza Ahmed, Nathan Harris, John Braithwaite and Valerie Braithwaite, *Shame Management through Reintegration* (2001)). John Braithwaite has been active in the peace movement, the politics of development, the social movement for restorative justice, the labour movement and the consumer movement, around these and other ideas for 50 years in Australia and internationally. In 2006, he was awarded the Stockholm Prize in Criminology.

Dan Esty

Hillhouse Professor of Environmental Law and Policy, School of Forestry & Environmental Studies; and Clinical Professor of Environmental Law and Policy at the Yale Law School

Dan Esty is the Hillhouse Professor at Yale University with appointments in both the Environment and Law Schools. He also serves as the Director of the Yale Center for Environmental Law and Policy and serves on the Board of the Center for Business and the Environment at Yale, which he founded in 2006. Professor Esty is the author or editor of ten books and dozens of articles on environmental protection, energy, and sustainability – and their connections to policy, corporate strategy, competitiveness, trade, and economic success. His prizewinning volume, *Green to Gold: How Smart Companies Use Environmental Strategy to Innovate, Create Value, and Build Competitive Advantage*, has recently been named the top-selling “green business” book of the past decade. From 2011 to early 2014, Professor Esty served as Commissioner of Connecticut’s Department of Energy and Environmental Protection where he earned a reputation for bringing fresh thinking to both energy and environmental policymaking, including such innovations as the launch of Connecticut’s first-in-the-nation Green Bank and “LEAN” restructuring of all of Connecticut’s environmental permitting programs to make the state’s regulatory framework lighter, faster, and more efficient and effective. As Commissioner, he had the opportunity to apply his extensive academic research on performance metrics to the leadership of a major government agency. Prior to taking up his Yale Professorship in 1994, he served in a variety of senior positions at the US Environmental Protection Agency and was a senior fellow at the Peterson Institute for International Economics in Washington, DC.

Adam Finkel

Senior Fellow and Executive Director at Penn Program on Regulation

Adam Finkel serves as executive director and senior fellow at the Penn Program on Regulation. He is one of the nation’s leading experts in the evolving field of risk assessment and cost-benefit analysis, with more than thirty years of experience improving methods of analysis and making risk-based decisions to protect workers and the general public from environmental hazards. He joined Penn Law from the University of Medicine and Dentistry of New Jersey (UMDNJ) School of Public Health, where he has served as a Professor of Environmental and Occupational Health. From 2004-2007, he was a Visiting Professor of Public and International Affairs at the Woodrow Wilson School at Princeton University. From 1995 to 2000, he was Director of Health Standards Programs at the U.S. Occupational Safety and Health Administration (OSHA), and was responsible for promulgating and evaluating regulations to protect the nation’s workers from chemical, radiological, and biological hazards. From 2000 to 2003, he was OSHA’s Regional Administrator for the Rocky Mountain states. He recently received the David Rall Award from the American Public Health Association for “a career in advancing science in the service of public health protection.” Adam Finkel’s primary research interests lie in quantifying and communicating the uncertainties in risk estimates, and critically examining the claim that risk estimates are invariably too “conservative”; accounting for

variations in human susceptibility to environmental and occupational disease; and evaluating policies and technologies that show promise for reducing environmental and occupational exposures simultaneously, rather than transferring risks from one population to the other. He has published more than sixty articles on risk assessment and management in the scientific, economic, legal, and popular literature, and was co-editor of the book *Worst Things First? The Debate over Risk-Based National Environmental Priorities*; *Import Safety: Regulatory Governance in the Global Economy*; and *Does Regulation Kill Jobs?*. He is the principal investigator on a new National Science Foundation grant to study the advantages of quantifying uncertainty and person-to-person variation in the costs of environmental regulatory programs. At Penn Law, he teaches courses on cost-benefit analysis and the regulatory state.

John Graham

Dean, Indiana University, School of Public & Environmental Affairs; former Administrator, Office of Information & Regulatory Affairs

John Graham started his academic career at the Harvard School of Public Health, where he taught methods of decision analysis and cost-benefit analysis to physicians and graduate students in public health. His prolific writings addressed both the analytic and institutional aspects of lifesaving policies. Graham founded and led the Harvard Center for Risk Analysis (HCRA), which became internationally recognized for analytic contributions to environmental protection, injury prevention, and medical technology innovation. In 1995, Graham was elected president of the Society for Risk Analysis (SRA), an international membership organization of 2,400 scientists and engineers. Graham reached out to risk analysts in Europe, China, Japan, and Australia as he helped organize the first World Congress on Risk Analysis in Brussels in 2000. In 2009, Graham received the SRA's Distinguished Lifetime Achievement Award, the society's highest award for excellence. In March 2001, President George W. Bush nominated Graham to serve as Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget. Located in the Executive Office of the President, this small office of 50 career policy analysts oversees the regulatory, information, and statistical activities of the federal government. From March 2006 to July 2008, Graham was dean of the Frederick Pardee RAND Graduate School (PRGS) at the RAND Corporation in Santa Monica, California. PRGS is the largest doctoral program in policy analysis in the world. In 2008, Graham became the dean of the unique two-campus, \$50 million professional school, the Indiana University School of Public and Environmental Affairs (SPEA). During Graham's tenure, the School's enrollment has grown to more than 2,000 undergraduate students, 300 plus master's students, and 80 doctoral students. The 85 full-time faculty members, which include laboratory scientists, social scientists, lawyers, and policy specialists, have almost doubled the number of research articles they produce annually since 2008. Throughout his tenure in academia, Graham has authored or co-authored 10 books and more than 200 articles for academic journals and national publications.

Neil Gunningham

Professor, Regulatory Institutions Network and Fenner School of Environment and Society, Australia National University

Neil Gunningham has degrees in law and criminology from Sheffield University, UK, is a Barrister and Solicitor (ACT) and holds a PhD from ANU. Although initially trained in law, his subsequent post-graduate work was in interdisciplinary social science, and for the last fifteen years he has applied that training principally in the areas of safety, health and environment, with a focus on regulation and governance. He joined RegNet in January 2002 and is currently a Director of the National Research Centre for Occupational Health and Safety Regulation. Previously he was Foundation Director of the Australian Centre for Environmental Law at ANU, Visiting and Senior Fulbright Scholar at the Center for the Study of Law and Society, University of California, Berkeley, and Visiting Fellow at the Centre for the Analysis of Risk and Regulation at the London School of Economics. His research has been concerned to identify the contribution that broader, innovative forms of regulation can make to safety, health and environmental policy. His work on regulatory pluralism demonstrates the potential for resources outside the public sector to be harnessed in furtherance of government policy, and how combinations of public and private orderings and can be integrated into an overall optimal regulatory mix. He has also sought to test empirically, the value of different approaches, and to identify the comparative advantage of different instruments in different institutional, economic and social contexts. Most recently Neil's work on occupational health and safety regulation has focused on the mining industry and on the relationship between management systems based approaches, trust and workplace culture. The insights generated apply to other industry sectors and resonate for other areas of regulation. One particular concern (though the APEC Ministers Responsible for Mining) has been OHS in the broader Asia Pacific region. His most recent books are *Managing Mining Hazards: Safety, Regulation and Trust* (with Sinclair) 2012, *The New Environmental Governance* (2011, with Holley and Shearing). Previous books include *Mine Safety: Law, Regulation, Policy* (2007), *Shades of Green, Business, Regulation and Environment* (2003, with Kagan and Thornton) and *Leaders and Laggards: Next Generation Environment Regulation* (2002, with Sinclair). He is on the editorial Board of the international journals *Law and Policy* and *Regulation & Governance* and an editor of the *Environmental and Planning Law Journal*.

Kathryn Harrison

Professor of Political Science at University of British Columbia

Kathryn Harrison is Professor of Political Science. She has a Bachelor's degree in Chemical Engineering from the University of Western Ontario, Master's degrees in Chemical Engineering and Political Science from MIT, and a PhD in Political Science from UBC. Harrison pursues two strands of research. The first employs comparative analysis to understand why governments adopt the policies they do. The second evaluates the efficacy of alternative policy instruments. Although Dr. Harrison's research focuses primarily on environmental policy, she is also interested in comparisons across other policy areas, and welcomes the opportunity to work with students with other

substantive policy interests. Harrison is the author of the book *Passing the Buck: Federalism and Canadian Environmental Policy* and co-author (with George Hoberg) of *Risk, Science, and Politics*. In addition, she has edited three volumes, the most recent of which is *Global Commons, Domestic Decisions: The Comparative Politics of Climate Change* (MIT Press, 2010), co-edited with Lisa McIntosh Sundstrom. She has published over 50 journal articles and chapters in edited volumes. Harrison's awards include Fulbright Fellowships in 1999-200 and 2006-7, a Gilbert White Fellowship at Resources for the Future, the UBC Killam Research Fellowship, the KD Srivastava Prize from UBC Press, the John Vandercamp prize for the best article in Canadian Public Policy, the JCPA-APPAM prize for the best comparative paper at the APPAM annual meeting, and the Edward Clarence Dyason Fellowship at Melbourne University. She is a member of the publications board of UBC Press and has served on the editorial boards of *Canadian Public Policy*, the *Canadian Journal of Political Science*, the *Journal of Comparative Policy Analysis*, and *Regulation & Governance*.

Bridget Hutter

Professor at the London School of Economics

Bridget Hutter has a Chair in Risk Regulation at the London School of Economics. She studied sociology at the Universities of London and Oxford and has previously worked at the Centre for Socio-Legal Studies, Oxford and Jesus College, Oxford. She was Director of the ESRC Centre for Analysis of Risk and Regulation (CARR) 2000-2010. Hutter's research interests are in the broad area of regulation and risk governance including the regulation of economic life; risk anticipation, resilience and natural disasters; risk based regulation; and the regulation of food, the environment, airline safety and occupational health and safety. She is author of numerous publications on the subject of risk regulation and has an international reputation for her work on compliance, regulatory enforcement and business risk management. Her publications include *Managing Food Safety and Hygiene: Governance and Regulation as Risk Management* (2011), *Anticipating Risks and Organizing Risk Regulation* (edited, 2010), *Organizational Encounters with Risk* (edited with Mike Power, 2005), *Regulation and Risk: Occupational Health and Safety on the Railways* (2001), *Compliance: Regulation and Environment* (1997). She is currently working on a research monograph with Sally Lloyd-Bostock on risk regulation and crisis, this has been supported by a Rockefeller Residency and is scheduled to be completed in 2015. Hutter is a Fellow of the Academy of Social Sciences, Fellow of the Royal Society of Arts, an alumnus of the World Economic Forum Network of Global Agenda Councils and Member of the Regulation & Governance Editorial Board. In 2010 she was appointed Trustee and Board Member of the think tank The Strategic Society Centre. She is regularly involved in policy making discussions, with international bodies, business organizations, regulatory agencies and consumer groups. She has given advice to the Environment Agency on compliance and small businesses; HSE on compliance research and regulatory impact; the Pennington Inquiry into the 2005 South Wales E.coli outbreak on food regulation; the Pitt Review Team on regulation and natural disasters; and various regulators on risk-based regulation. She also speaks at conferences, meetings and to international groups on risk regulation issues.

Howard Kunreuther

James G. Dinan Professor, Professor of Operations and Information Management, Professor of Decision Sciences and Business Economics and Public Policy, and Co-Director of Wharton Risk Management and Decision Processes Center at the University of Pennsylvania Wharton Business School

Howard C. Kunreuther is the James G. Dinan Professor; Professor of Decision Sciences and Business and Public Policy at the Wharton School, and co-director of the Wharton Risk Management and Decision Processes Center. He has a long-standing interest in ways that society can better manage low-probability, high-consequence events related to technological and natural hazards. Dr. Kunreuther is a member of the World Economic Forum's Global Agenda Council on Insurance and Asset Management for 2011-2012, and in 2009-2010 served as co-chair of the Forum's Global Agenda Council on Leadership and Innovation for Reducing Risks from Natural Disasters. He is a member of the National Research Council's panel on Increasing National Resilience to Hazards and Disasters and serves the Intergovernmental Panel on Climate Change (IPCC) as a chapter lead author of the IPCC's 5th Assessment Report on Integrated Risk and Uncertainty Assessment of Climate Change Response. He is a Fellow of the American Association for the Advancement of Science, and a Distinguished Fellow of the Society for Risk Analysis, receiving the Society's Distinguished Achievement Award in 2001. His most recent books are *At War with the Weather* (with E. Michel-Kerjan) (2009, paperback, 2011), winner of the Kulp-Wright Book Award from the American Risk and Insurance Association in 2011; *Learning from Catastrophes: Strategies for Reaction and Response* (with M. Useem) (2010); and *Insurance and Behavioral Economics: Improving Decisions in the Most Misunderstood Industry*" (with Mark Pauly and Stacey McMorrow) (forthcoming 2013).

David Levi-Faur

Professor, Federmann School of Public Policy and the Department of Political Science, Hebrew University of Jerusalem

David Levi-Faur is professor at the Federmann School of Public Policy and the Department of Political Science, at the Hebrew University of Jerusalem. He is also a founding editor of *Regulation & Governance*, a Willey-Blackwell's journal that serves as a leading platform for the study of regulation and governance in the social sciences. He held research and teaching positions at the University of Haifa, the University of Oxford, the Australian National University, the University of Manchester and the Freie Universität Berlin. He held visiting positions in the London School of Economics, the University of Amsterdam, University of Utrecht and University of California (Berkeley). He is currently at work on a book manuscript *Regulating Capitalism*, to be published by Princeton University Press. His work includes special issues of the *Annals of the American Academy of Political and Social Sciences* (*The Global Diffusion of Regulatory Capitalism*, co-edited with Jacint Jordana) and *Governance (Varieties of Regulatory Capitalism)*. More recently he acted as editor of the *Oxford Handbook of Governance* (OUP, 2012) and *The Handbook of the Politics of Regulation* (Edward Elgar, 2011).

David Vogel

Solomon P. Lee Chair in Business Ethics, Editor of California Management Review, and Professor of Political Science at the University of California Berkeley Haas School of Business

David Vogel is the Solomon P. Lee Distinguished Professor in Business Ethics at the University of California, Berkeley. He is a member of both the Political Science Department and the Haas School of Business, and is Editor of the California Management Review. He was the Jean Monnet Chair, European University Institute, in 1994 and the BP Chair in Transatlantic Relations, there in 2000. At INSEAD he was the Novartis Professor of Management and the Environment in 2000-2001 and the Shell Fellowship in Business and the Environment in 2002.

His books include *Trading Up* (1995) about globalization, *The Dynamics of Regulatory Change: How Globalization Affects National Regulatory Policies*, (ed. with Robert Kagan 2002), and *The Market for Virtue* (2005) about corporate social responsibility. He has written over 50 scholarly articles. Vogel has a BA in political science from Queens College CUNY and a PhD in politics from Princeton University.

Wendy Wagner

Joe A. Worsham Centennial Professor at the University of Texas at Austin School of Law

Wendy Wagner is a leading authority on the use of science by environmental policy-makers. She received a Masters of Environmental Studies in 1984 and her law degree in 1987, both from Yale, where she was Senior Editor of the Yale Law Journal and Managing Editor of the Yale Journal of Regulation. Before entering teaching, she practiced for four years, first as an Honors Attorney in the Enforcement Division of the Department of Justice's Environment and Natural Resources Division, and then as Pollution Control Coordinator with the Department of Agriculture's Office of the General Counsel. Prior to joining the faculty at the University of Texas, Professor Wagner taught at Case Western Law School and was a visiting professor at Columbia and Vanderbilt Law Schools. Wagner's research focuses on the intersection of law and science, with particular attention to environmental policy. Among her publications, *Bending Science: How Special Interests Corrupt Public Health Research*, a 2009 book Wagner co-authored with UT colleague, Tom McGarity, received the Hamilton Grand Prize for the best book published at UT in 2009. Several other articles ("The Science Charade in Toxic Risk Regulation", "Equal Treatment for Regulatory Science" (co-authored with David Michaels), and "Misunderstanding Models" (co-authored with Pasky Pascual and Liz Fisher) were chosen as one of the best environmental law articles of the year and reprinted in the *Land Use and Environmental Law Review*. Two other articles ("Information Capture and Filter Failure" and "Competition-based Regulation") were selected for publication in the *ELI-Vanderbilt Environmental Law and Policy Annual Review* as among the top articles of the year. Wagner has served on several National Academies of Science Committees, the Bipartisan Policy Center Committee on Regulatory Science, and served as a consultant to the Administrative Conference of the U.S. (ACUS) on a project on the agencies' use of science. Wagner is also a Member Scholar of the Center for Progressive Reform.