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# Rachel Emma Rothschild

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## Employment

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University of Michigan School of Law Assistant Professor	July 2022 – Present
Institute for Policy Integrity Affiliated Scholar Legal Fellow	July 2022 – Present March 2021 – June 2022
New York University Gallatin School Assistant Professor and Faculty Fellow	August 2015 – August 2017

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## Education

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New York University School of Law, New York, NY J.D., cum laude, Furman Academic Scholars Program.	2020
Yale University, New Haven, CT Ph.D., History, Program in the History of Science & Medicine. Awarded with Distinction. M.A. and M.Phil.	2015 2012
Princeton University, Princeton, NJ B.A., magna cum laude, History, Program in the History of Science. Certificates in Environmental Studies and Creative Writing.	2008

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## Publications

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### Book

**Poisonous Skies: Acid Rain and the Globalization of Pollution**, University of Chicago Press (2019).

### Articles and Book Chapters

***Juristocracy and Administrative Governance: From Benzene to Climate***, work-in-progress.

This article analyzes the Supreme Court’s first “major questions” decision in 1980 using internal agency documents obtained through FOIA requests, archival materials from the National Archives and Records Administration, oral histories with government scientists and officials, and the papers of multiple Supreme Court Justices. Known as the “benzene case,” it involved a challenge to workplace exposure limits for a toxic chemical carcinogen. The article demonstrates that a plurality of the Justices exaggerated the rule’s potential economic effects and deferred to industry funded scientists with little to no background in environmental and public health research in striking down the regulation. It concludes by discussing how problems with the court’s approach to reviewing the benzene rule have reappeared in recent “major questions” decisions involving environmental and public health regulations.

***Unreasonable Risk: The Failure to Ban Asbestos and the Future of Toxic Substances Regulation***, 47 HARVARD ENV’T L. REV. 501 (2023).

***State Nuisance Law and the Climate Change Challenge to Federalism***, 27 NYU ENV’T L. J. 412 (2019).

*The Environment in the Atomic Age*, OXFORD RES. ENCYCLOPEDIA AM. HIST. (Nov. 2017).

*Détente from the Air: Monitoring Air Pollution in the Cold War*, 57 TECH. & CULTURE 831 (2016).

*Burning Rain: The Long-range Transboundary Air Pollution Project*, in TOXIC AIRS: BODY, PLACE, PLANET IN HISTORICAL PERSPECTIVE (James Rodger Fleming & Ann Johnson eds., 2014).

*Environmental Awareness in the Atomic Age: Radioecologists and Nuclear Technology*, 43 HIST. STUD. NAT. SCI. 492 (2013).

## Essays and Reviews

*The Jurisprudence of Justice Gorsuch and Future Efforts to Address Climate Change*, MICHIGAN L. REV. ONLINE (forthcoming 2023).

*Cost-Benefit Analysis and the Problem of Long-term Harms from Environmental Pollution*, YALE J. REGUL. BLOG (May 26, 2023).

*Why the Supreme Court Avoided Using Traditional Tools of Statutory Interpretation in West Virginia v. EPA*, YALE J. REGUL. BLOG (Jan. 12, 2023).

*Will Cities Get Their Day in Court to Litigate Climate Change Harms?*, BLOOMBERG L. (May 10, 2021).

*There's a Part of Obama's Trade Deal that Could Become a Big Problem for Hillary Clinton*, BUSINESS INSIDER (July 24, 2016).

*The Turn toward Toxins: An Essay Review*, 40 ENDEAVOUR 128 (Jun. 2016).

*Comments on Fritz Davis, Banned: A History of Pesticides and the Science of Toxicology*, H-Environment Roundtable Reviews (Sep. 2015).

*Acid Wash: How Cold War Politics Helped Solve a Climate Crisis*, FOREIGN AFFAIRS (Aug. 24, 2015).

*Populations on the Brink: Reducing Vulnerability to Climate Change Can Reduce a Population's Vulnerability to Poverty*, EARTH (Jan. 2009) (second author).

## Reports

*Measuring the Benefits of Power Plant Effluent Regulation: The 2020 Steam Electric Reconsideration Rule and Potential Future Methods*, INST. FOR POL'Y INTEGRITY (with Dr. David A. Keiser, Bethany A. Davis Noll, and Dr. Catherine L. Kling) (June 27, 2022).

*Regulating New Fossil-Fuel Appliances Under Section 111(b) of the Clean Air Act*, INST. FOR POL'Y INTEGRITY (with Jack Lienke, Henry Engelstein, and Nardos Girma) (Oct. 15, 2021).

*Toward Rationality in Oil and Gas Leasing Building the Toolkit for Programmatic Reforms*, INST. FOR POL'Y INTEGRITY (with Max Sarinsky) (Aug. 6, 2021).

*Regulating Risk from Toxic Substances: Best Practices for Economic Analysis of Risk Management Options Under the Toxic Substances Control Act*, INST. FOR POL'Y INTEGRITY (with Jack Lienke) (July 29, 2021).

## Teaching Experience

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### University of Michigan Law School

Environmental Law and Policy

### New York University Gallatin School

Pollution and Policy

Technology and the Environment

### New York University School of Law

Teaching Assistant, Administrative Law

Teaching Assistant, Legislation and Regulation

### Yale University

History of Pollution (selected to design and direct the course through competitive process)

Teaching Assistant, Catastrophe and the Earth Sciences

Teaching Assistant, Science and Technology in the United States: From Franklin to Facebook

## Fellowships, Awards and Honors

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NYU School of Law, Environmental Law Award	2020
Robert McKay Scholar (Top 25% of students at NYU law after four semesters)	2019
Furman Academic Scholarship (Full tuition scholarship to NYU law)	2017 – 2020
Council on Foreign Relations International Affairs Fellowship (Declined)	2017
Hans Gatzke Prize, Yale University (Outstanding Dissertation in European History)	2015
Princeton Society of Fellows Finalist	2015
Science History Institute Rumford Scholarship	2013
Society for the History of Technology (SHOT) Joan Cahalin Robinson Prize	2012
American Meteorological Society Graduate Fellowship in History of Science	2012
American-Scandinavian Foundation Research Grant	2012
Yale MacMillan Center International Dissertation Research Grant	2012
National Science Foundation Graduate Research Fellowship	2010 – 2015
Jonathan Bourne Fellow – Yale Graduate School	2009
The Horace H. Wilson '25 Senior Thesis Prize in the History of Science, Medicine and Technology, Princeton University	2008
Environmental Studies Thesis Prize (Honorable Mention), Princeton University	2008

## Selected Talks and Conference Presentations (Invited talks indicated by \*)

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\* Clifford Symposium 30: The Legacy of Industrywide Deadly Misconduct, DePaul College of Law, June 6-7, 2024.

“Juristocracy and Administrative Governance: From Benzene to Climate.”

AALS Environmental Law Section, January 4-7, 2023.

\* Boston College Law School Annual Junior Faculty Roundtable, March 17, 2023.

\* Northwestern Public Law Colloquium, April 12, 2023.

Administrative Law New Scholarship Roundtable, University of Texas Law School, May 15-17, 2023.

\* Michigan State University College of Law, Faculty Workshop, September 13, 2023.

American Society for Legal History, October 27, 2023.

\* Harvard Public Law Colloquium, February 12, 2024.

\* "The Jurisprudence of Justice Gorsuch and the Future of Environmental, Energy, and Natural Resources Law," American Bar Association Section of Environment, Energy, and Resources Conference on Environment Law, April 28, 2023.

"Unreasonable Risk: The Failure to Ban Asbestos and the Future of Toxic Substances Regulation," Society for Environmental Law and Economics, NYU School of Law, June 9-10, 2022.

\* Panelist, "Regulation and the World Economy," Global Legal Histories: A Symposium, Shelby Cullom Davis Center & Fung Global Fellows Program, Princeton University, March 6-7, 2020.

\* "Poisonous Skies: Acid Rain and the Globalization of Pollution."

Natural Resources Defense Council, July 24, 2019

NYU Uncommon Salon, March 20, 2018.

\* "Energy Industry Research and the Politics of Doubt," Harvard Business School, Business, Government and International Economy Unit, Cambridge, MA, January 24, 2017.

Panel Organizer, "Toxic Knowledge in a Global Context: Science and the Regulation of Chemical Risks," and Presenter "Globalizing Toxic Threats to Health," History of Science Society Annual Meeting, Atlanta, Georgia, November 3-6, 2016.

\* "Environmental Expertise in a Global Commons." *Futures Past: Experts, Development and Sustainability*. Institute for Advanced Sustainability Studies, Potsdam, Germany, April 28-29, 2016.

\* "Environmental Science and International Governance at the United Nations, European Communities, and Organisation for Economic Cooperation and Development," *Organizing Science for Humanity, from the World Bank to the World Bank*, Columbia University Committee on Global Thought, February 12, 2016.

\* "History for a Toxic Planet," McMaster University, History Department Colloquium, January 14, 2016.

\* "Transnational Air Pollution and Environmental Diplomacy," *Nature Protection, Environmental Policy and Social Movements in Communist and Capitalist Countries*, German Historical Institute, Washington D.C., May 29-30, 2015.

\* "Provocations: New Directions in Energy and Environmental History," Joint Center for History and Economics, Harvard University, November 14, 2014.

\* "The European Air Chemistry Network and the Construction of a 'Global' Climate," Science History Institute, Philadelphia, Pennsylvania, October 21, 2014.

"Beyond National Needs: Acid Rain and Environmental Protection in Europe," Panel: The Toxic Century: Discovering & Quantifying Poisons in the Environment, American Society for Environmental History Annual Meeting, San Francisco, CA, March 12-16, 2014.

\* "Modeling without 'Target' Maps: Scientific Cooperation on Atmospheric Pollution in the Cold War," STS Circle, Program on Science, Technology and Society, Harvard University, February 10, 2014.

\* “Scientific Uncertainty and ‘Sufficient Knowledge’: The Development of a European-wide Research Program on Acid Rain,” Cambridge University, Department of History and Philosophy of Science, Twentieth Century Think Tank, February 21, 2013.

\* “Meteorology in the ‘New Era’ of Environmental Diplomacy,” American Meteorological Society Annual Meeting, Austin, Texas, January 8, 2013.

“Détente from the Air: Monitoring Pollution and European Integration in the Cold War,” Panel: Airy Curtains, Society for the History of Technology, Annual Meeting, Copenhagen, Denmark, October 4-7, 2012. \*Awarded Joan Cahalin Robinson Prize.

Panel Organizer, “Costs and Benefits: Life Scientists and the Assessment of Wartime Technologies, from 1945 to the Vietnam War,” Presented Paper “Environmental Consciousness in the Cold War: Radioecologists, Nuclear Technology, and the Atomic Age.” History of Science Society Annual Meeting. Cleveland, Ohio, November 3-5, 2011.

“Burning Rain in the Cold War: Transboundary Air Pollution, Atmospheric Science, and the Development of International Law and Policy,” *Chemical Weather and Chemical Climate: Body, Place, Planet in Historical Perspective*, Science History Institute, Philadelphia, Pennsylvania, March 31-April 2, 2011.

## **Academic and Professional Service**

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### **External**

Reviewer, *Diplomatica*, *Environmental History*, *Isis*, *Scandinavian Journal of History*, and *The British Journal for the History of Science*.

AALS Legal History Section Board, January 2022 – present.

Pro bono work for the Environmental Defense Fund, Rockefeller Family Fund, Massachusetts 350, Better Future Project, New York PIRG, and Vermont PIRG on climate legislation and toxic chemical regulation, July 2022 – present.

### **University of Michigan Law School**

Faculty Advisor, Michigan Journal of Environmental and Administrative Law.

Appointments Committee, 2023-2024.

Committee on Academic Standards and Practices, Curriculum, and Student Recognition, 2022-2023.

### **New York University**

Executive Editor, NYU Environmental Law Journal, 2019-2020; Staff Editor, 2018-2019.

Coordinator, New York City History of Science Consortium Lecture Series and Workshop, 2015-2017.

### **Yale University**

Organizing Committee Member, Yale University’s Environmental History Northeast Regional Conference, “Two Kingdoms: New Perspectives on Flora and Fauna in Environmental History.” 2011-2012.

Coordinator, Yale University’s Environmental History Colloquium, 2011-2012.

Co-Coordinator, Yale University’s History of Science and Medicine Holmes Workshop, 2010-2011.

### **Other**

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Admitted to the New York Bar

Language Skills: French (proficient), German, Norwegian and Swedish (reading knowledge)