

## CLAUDIA POLSKY

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### CURRENT APPOINTMENT

#### **School of Law, University of California, Berkeley**

*Assistant Clinical Professor of Law & Director, Environmental Law Clinic* (July 2015 – Present)  
Established, and presently direct, the Environmental Law Clinic. Supervise students in administrative advocacy, litigation, legislative, and policy projects related to environmental health and environmental justice. Teach companion lawyering skills seminar, and supervise Clinic staff. Mentor undergraduate auditors through Clinic-created program to increase diversity in the environmental legal field. Produce academic scholarship and serve on school committees. Guest lecture in other law school classes and campus departments; present at professional conferences on varied environmental topics; argue court cases; testify before legislative bodies; and work with media and documentary filmmakers to raise profile of environmental issues.

Clinic victories include: successful litigation against U.S. Environmental Protection Agency to force improved planning for offshore oil spills, and against California Department of Public Health to force release of a guidance document on reducing personal exposure to cell phone radiation; legislative drafting and technical research for client S.F. Department of the Environment to support its enactment of a first-in-the-nation ordinance restricting toxic chemicals in compost; legal advice to Breast Cancer Prevention Partners that enabled introduction of a California Senate bill to force disclosure of toxic ingredients in cosmetics and personal care products; and successful administrative advocacy at the California Public Utilities Commission to direct millions of dollars to affordable clean-energy projects in disadvantaged San Joaquin Valley communities, and better serve such communities during power shutoffs.

### PREVIOUS PROFESSIONAL EXPERIENCE

#### **California Department of Justice, Oakland, CA**

**Nov. 2000 – Jan. 2008 &  
Sept. 2009 – June 2015**

*Deputy Attorney General IV, Environment Section.* Litigated environmental cases in state and federal court on behalf of state agencies, and in the Attorney General's independent enforcement capacity. Lead counsel in *California ex rel. Lockyer v. U.S. Department of Agriculture*, 459 F. Supp. 2d 874 (N.D. Cal. 2006), *affd.* 575 F.3d 999 (9th Cir. 2009) (reinstating federal protection for large roadless areas in National Forests, and thereby enjoining logging and road construction on 50 million undeveloped acres). Successfully prosecuted first-ever suit under California Safe Cosmetics Act. Successfully defended, against industry challenge, new flammability standard for furniture that greatly reduces product toxicity. Served as primary external advice counsel for Department of Toxic Substance Control's Green Chemistry Initiative. Provided legal advice to state agencies on regulation of toxic chemicals in consumer products. Represented DOJ on Health in All Policies Task Force to facilitate cross-agency collaboration on programs to improve Californians' health. Provided Congressional testimony, presented at conferences, and lectured at universities on environmental law topics. Hired and supervised student law clerks.

**Department of Toxic Substances Control, Sacramento, CA** **Feb. 2008 – April 2009**

*Deputy Director for Pollution Prevention & Green Technology.* Directed 70-staff program charged with reducing the toxicity of California's industrial processes and consumer products. Convened first-ever Staff Planning Retreat to create cohesive program in the wake of departmental reorganization, and consolidate program work around areas generating greatest environmental benefit. Created Business Outreach Unit to improve program success in disseminating pollution-prevention strategies to industries such as auto repair, marine vessel repair, and circuit board manufacture, and persuading businesses to adopt these strategies. Collaborated with local Green Business Programs to target new industries for pollution prevention efforts and improve quantification of outcomes. Provided ongoing advice to Department Director and Executive Staff on development of state's Green Chemistry Initiative. Handled politically sensitive interdepartmental issues within the California Environmental Protection Agency, including those related to potential integration of sustainable bioplastics into existing State recycling system. Represented DTSC at conferences and in meetings with chemical regulators from other states, the U.S. Environmental Protection Agency, and the European Union.

**Earthjustice Legal Defense Fund, San Francisco, CA** **Aug. 1997 – Oct. 2000**

*Associate Attorney.* Litigated cases in federal and state trial and appellate courts under the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the California Environmental Quality Act. Areas of focus included West Coast salmon recovery (panelist, KQED FORUM, *Endangered Species Act Litigation and Pacific Salmon Recovery*, April 1999), capped by successful litigation to remove Savage Rapids Dam from the Rogue River in Oregon. Developed specialized expertise in citizen standing to prosecute environmental violations. (See Claudia Polsky & Tom Turner, *Justice on the Rampage: Antonin Scalia's Slash-and-Burn Crusade*, Amicus Journal, Summer 1999.) Provided advice to individual client groups, and managed complex multi-client relations in coalition cases. Supervised law clerk program.

**Public Citizen Litigation Group, Washington, DC** **Sept. 1996 – July 1997**

*Supreme Court Assistance Project Fellow.* Managed program that assists public interest litigants in the U.S. Supreme Court. Co-authored successful merits brief in *Richardson v. McKnight*, 521 U.S. 399 (1997) (denying private prison guards qualified immunity from prisoner civil rights suits). Assisted with drafting of petitions in opposition to certiorari. Litigated district court Freedom of Information Act case involving flaws in U.S. arms export control system.

**The Nature Conservancy, Middletown, CT** **Sept. 1990 - June 1993**

*Tidelands Program Coordinator & Land Protection Specialist.* Negotiated land acquisitions and conservation easements to protect rare and endangered species on private land (Sept. 1990-Aug. 1992). Directed "Tidelands of the Connecticut River" program (Sept. 1992-June 1993), an ecosystem-scale effort to protect tidal wetlands. Coordinated 8-member project team and was principal author of 150-page, five-year strategic plan for this \$17 million project. Served on CT Department of Environmental Protection's Rivers Advisory Committee, and coordinated CT Chapter's International Committee to assist Latin American partner organizations.

## EDUCATION

**UC Berkeley School of Law** **J.D. 1996**  
Editor-in-Chief, *Ecology Law Quarterly*; Environmental Law Certificate.

**Centre for Resource Management, Lincoln University, New Zealand** **M. App. Sci. 1990**  
First Class Honors; Fulbright Scholar 1998-1999. **(Natural Resource Mgt.)**

**Harvard University** **B.A. 1987**  
**(History & Science)**  
*Magna cum laude*, Phi Beta Kappa. Two-time winner of journalism competition to author “The Undergraduate” column for *Harvard Magazine*. Varsity fencer.

## SELECTED RECENT PRESENTATIONS, TESTIMONY & ORAL ARGUMENT

**Earth Island Inst., et al. v. Wheeler (N.D. Cal.)** **May 2020**  
Oral argument for Plaintiffs (re: EPA oil spill response planning obligations)

**Collaborative on Health/Environment, Alaska Community Action on Toxics** **May 2020**  
Presenter, *More Harm Than Good: New Science, Legal Actions, and Policy on Oil Spill Dispersants*

**UC Berkeley Environmental Engineering Seminar** **Mar. 2020**  
Presenter, *Balancing Hope and Despair: A Day in the Life of UC Berkeley’s Environmental Law Clinic*

**Food Law & Policy Seminar, Berkeley Law** **Feb. 2020**  
Guest lecturer, *Food Safety: Toxics in Food*

**Greener Solutions Seminar, Berkeley Center for Green Chemistry** **Oct. 2019**  
Guest lecturer, *Halloween is Scary in All the Wrong Ways*

**Polar Forum, UC Davis** **Oct. 2019**  
Co-organizer and panelist, *Does the Law Protect Climate Change Researchers?*

**Assembly Judiciary Committee (CA)** **Apr. 2019**  
Lead witness, *Assembly Bill 700: Reforming the California Public Records Act to Protect Academic Freedom at Public Universities*

**Science Policy Group, UC Berkeley** **Mar. 2019**  
Presenter, *Scientists As Changemakers: Routes to Social Relevance*

**Union of Concerned Scientists — Board of Directors Meeting** **Feb. 2019**  
Presenter, *Reforming State Public Records Laws to Protect Scientific Research*

**Food Law & Policy Seminar, Berkeley Law** **Feb. 2019**  
Guest lecturer, *Food Safety: Toxics in Food*

<b>Greener Solutions Seminar, Berkeley Center for Green Chemistry</b> Guest lecturer, <i>Why is My Couch Killing My Cat?: How our toxics laws stymie scientific progress and make businesses lazy</i>	<b>Oct. 2018</b>
<b>Insuring California in a Changing Climate — Center for Law, Energy &amp; the Environment</b> Presenter, <i>Insurance Innovation: New Products &amp; Services, Proactive Investments</i>	<b>June 2018</b>
<b>U.C. Office of the President — System-wide Counsel Meeting</b> Presenter, <i>Public Records Law Abuse and Statutory Reform Options</i>	<b>Mar. 2018</b>
<b>State Bar Environmental Law Conference</b> Moderator/panelist, <i>Federal Chemical Reform as Seen Through the California Lens</i>	<b>Oct. 2017</b>
<b>Assembly Committee on Environmental Safety and Toxic Materials (CA)</b> Lead witness, <i>Oversight Hearing on Proposition 65 – Toxic Chemical Exposure: Protecting and Informing the Public</i>	<b>Aug. 2017</b>
<b>California Public Records and Open Meetings Conference</b> Opening remarks, <i>Real-world Operation of Open Records and Open Meeting Laws</i>	<b>May 2017</b>
<b>Contra Costa Women’s March for Science</b> Speaker, <i>Facts Don’t Speak for Themselves</i>	<b>Apr. 2017</b>
<b>ChemWatch Conference: Safer Chemicals in Products</b> Panelist, <i>Toxic Substances Control Act Reform: Challenges, Opportunities, Innovation</i>	<b>Mar. 2017</b>
<b><i>Moskowitz v. California Department of Public Health</i> (Sac’to Superior Court)</b> Oral argument for Petitioner (re: state obligation to release document on cell phone risks)	<b>Feb. 2017</b>
<b>Thelton Henderson Center for Social Justice</b> Panelist, <i>A Trump Administration: Imagining What’s Next</i>	<b>Nov. 2016</b>
<b>UC Berkeley Center for Green Chemistry</b> Guest lecturer, <i>Green Chemistry Meets Brown Codes: How Law Shapes Products</i>	<b>Nov. 2016</b>
<b>Legal Aid Society-Employment Law Center</b> Panelist, <i>Environmental Justice After Flint</i>	<b>July 2016</b>
<b>Disruptive Innovation Festival (virtual global conference)</b> Speaker, <i>Green Chemistry in the Circular Economy: Regulatory Law</i>	<b>Nov. 2015</b>
<b>National Meeting for State Biomonitoring Programs (Cal. Dept. Pub. Health)</b> Discussant, <i>Biomonitoring in Action</i>	<b>Nov. 2015</b>
<b>UC Berkeley Center for Green Chemistry</b> Guest lecturer, <i>New(er) Alchemy: Making Design Green = Market Gold</i>	<b>Nov. 2015</b>

**Green Science Policy Institute**  
Presentation, *Fire Retardants and (Partly) Science-Drive Policy Change*

**Feb. 2015**

**Environmental Law Institute**  
Panelist, *Preemption in TSCA Reform: The California Perspective*

**Jan. 2015**

## **PUBLICATIONS**

### **Law review**

*The Hidden Success of a Conspicuous Law: Proposition 65 and the Reduction of Toxic Chemical Exposures*, 47 *ECOLOGY LAW QUARTERLY* 3 (forthcoming 2021) (with Megan Schwarzman).

*Open Records, Shuttered Labs: Ending Political Harassment of Public University Researchers*, 66 *UCLA LAW REVIEW* 208 (2019).

### **Peer reviewed**

*The Health in All Policies (HiAP) Approach and the Law: Preliminary Lessons from California and Chicago*, *J. OF LAW, MEDICINE & ETHICS* (Spring 2015) (with Kendall Stagg, Maxim Gakh, and Christine T. Bozlak).

### **Professional**

*California Chemicals Regulation After TSCA Reform*, 25 *ENVIRONMENTAL LAW NEWS* (Fall 2016).

### **Popular Press**

*Hazardous chemicals and government silence—A dangerous mix*, *The Hill* (Mar. 26, 2020) (with Timothy Whitehouse and Tom Bruton).

*Climate change and divestment*, *LTE*, *Harvard Magazine* (Nov./Dec. 2019).

*Pass the right-to-know bill on cosmetics*, *S.F. Chronicle* (Aug. 10, 2019).

*Cancer warnings for coffee may be overkill, but Proposition 65 is not*, *Los Angeles Times* (May 10, 2018) (with Jennifer Ohayon).

*Are cancer warnings for coffee junk science? Or is industry serving a cup of spin?*, *Sacramento Bee* (Apr. 23, 2018).

*An environmental opening under Trump*, *S.F. Daily Journal* (Nov. 30, 2016).

*Getting noisy about abortion: Why I joined the women lawyers brief*, *Law.com* (Jan. 27, 2016).

## **TV, film, educational video & podcast appearances**

Jane Doe Films, working title *Not So Pretty*, HBO docu-series on dangers of cosmetics (forthcoming spring 2021).

Fagin Films, LLC, *The Cover Up*, documentary film on dangers of cosmetics (in production; release TBA).

Cal/EPA, Office of Environmental Health Hazard Assessment, information web videos regarding Proposition 65 (in production; posting TBA).

UCLA Law review *Dialectic* podcast, Episode 4.2: Reforming Open Records Laws to End Political Harassment of Public University Researchers (2019).

## **Blog Posts (Legal Planet)**

*A Black Staffer's Noisy Exit from a Green NGO: Resignation letter at Union of Concerned Scientists calls out dominant white culture in large environmental organizations* (June 19, 2020)

*Green in Black and White: It's time to show up* (June 3, 2020)

*Dark Waters in Dark Times: Citizen Petition Presses EPA to Call Chemicals in Environmental Docudrama "Hazardous Waste"* (Jan. 15, 2020).

*Lights Out, Everyone's Home: Protecting California's Most Vulnerable from Climate Effects* (Oct. 10, 2019).

*Teach Your Parents Well: A view from the youth climate strike in S.F.* (Sept. 20, 2019).

*A Time for Privacy: California moves to protect academic research* (Feb. 22, 2019).

*When No News Would Be Good News: The ongoing trials of Prop 65* (Aug. 16, 2018).

*Reproductive Rights Meet . . . Waste Disposal Law?: Texas aims to limit abortions via environmental regulation* (Sept. 22, 2016).

*Let Us Now Praise Famous Plants: Taking environmental law education outdoors* (June 20, 2016).

## **Profiles**

Heather Smith, *So, You Want To Be An Environmental Lawyer?*, Sierra Magazine (Aug. 22, 2017).

Catherine Corcoran, *See Jane Not Run [for political office]*, San Francisco Magazine (Jan. 2008).

## **Quoted in**

New York Times; Sacramento Bee; California, Knowable, Undark, and Fast Company magazines; Daily Journal; National Public Radio (KALW; WNYC On the Media; KQED Forum), various local newspapers, numerous environmental trade publications.

## **Law School & University Service**

Executive Committee, Berkeley Food Institute (Spring 2019 – present)

Employee Engagement Committee (Fall 2019/Spring 2020)

Public Interest Committee (Fall 2017/Fall 2018/Spring 2019)

Sax Prize Committee (Chair) (Spring 2017)

Thelen Marrin Writing Prize Committee (Spring 2017)

Faculty Advisory Board, Ecology Law Quarterly

Faculty Advisor, Students for Environmental and Economic Justice

Faculty Advisor, Animal Law Society

## **Volunteer work**

- Assist Democratic pro-choice women in campaigns for elected office (coaching on routes to office, consulting on platform and messaging, hosting issue discussions and fundraisers), with a focus on women of color (EMERGE program, 2015 to present)
- Mentored homeless young adult through prison diversion program and beyond (Back on Track, San Francisco) (2015-18)