Institute *for* Policy Integrity
new york university school of law

Cost-Benefit Analysis and Issue Advocacy Workshop
Monday, October 28, 2013
New York University School of Law
Vanderbilt Hall, Greenberg Lounge
40 Washington Square South

Cost-Benefit Analysis and Issue Advocacy Workshop:
Policy Integrity's Fifth Anniversary and
Twentieth Anniversary of Executive Order 12,866

Special Guest: Howard Shelanski, Administrator, Office of Information and Regulatory Affairs

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Policy Integrity will bring together leading practitioners, government officials, and academics for our fifth annual practitioners' workshop on the federal regulatory process. The workshop will be an introduction to economic analysis and its role in the regulatory process, as well as a nuanced look at how the technique is used by federal administrative agencies. This year's workshop will also mark Policy Integrity's fifth anniversary and the twentieth anniversary of Executive Order 12,866, which serves as the foundation for our work.

8:00 – 9:00 am **Breakfast & Early Registration**

9:00 – 10:00 am **Issue Advocacy and Cost-Benefit Analysis 101***
Jason Schwartz — Legal Director, Policy Integrity
Denise Grab — Legal Fellow, Policy Integrity

This session is for practitioners new to cost-benefit analysis and the federal regulatory process. It will identify key access points in the federal administrative process where advocacy groups can use cost-benefit analysis, and will discuss how cost-benefit analysis can be relevant during the course of litigation.

10:00 – 10:15 am **Registration Continues**

10:15 – 10:30 am **Welcome and Introduction**

Trevor Morrison — Dean and Clarence D. Ashley Professor of Law, NYU School of Law
Richard Revesz — Faculty Director, Policy Integrity; Lawrence King Professor of Law and Dean Emeritus, NYU School of Law
Michael Livermore — Senior Advisor and Founding Executive Director, Policy Integrity; Associate Professor of Law, University of Virginia School of Law

10:30 am – 12 noon **The Social Cost of Carbon***
Moderated by Michael Livermore

David Anthoff — Assistant Professor, School of Natural Resources and the Environment, University of Michigan
Michael Greenstone — 3M Professor of Environmental Economics, Massachusetts Institute of Technology; Chief Economist, Council of Economic Advisors (2009)
Richard Howarth — Professor of Environmental Studies, Dartmouth College
Robert Kopp — Assistant Professor in the Department of Earth & Planetary Sciences, Rutgers University; Associate Director of the Rutgers Energy Institute

The U.S. government's Interagency Working Group recently updated the social cost of carbon (SCC), which is likely to play an important role in regulatory proceedings. In this session, leading economists exchange ideas on how to more accurately measure the SCC.

12:10 – 1:20 pm **Lunch (provided) and Keynote Address***

Keynote by Howard Shelanski, Administrator, Office of Information and Regulatory Affairs

1:30 – 3:00 pm **Twenty Years of Executive Order 12,866***

Moderated by Richard Revesz

Boris Bershteyn	General Counsel, Office of Management and Budget (2011-13); Acting Administrator, Office of Information and Regulatory Affairs (2012-13)
E. Donald Elliott	Senior of Counsel, Covington and Burling LLP; Adjunct Professor, Yale Law School; Chair, Policy Integrity's Advisory Board; Assistant Administrator and General Counsel, U.S. Environmental Protection Agency (1989-1991)
C. Boyden Gray	Founding Partner, Boyden Gray & Associates LLP; White House Counsel (1989-93); U.S. Ambassador to the European Union (2006-07)
Sally Katzen	Visiting Professor of Law, NYU School of Law; Senior Advisor, Podesta Group; Administrator, Office of Information and Regulatory Affairs (1993-98)

On September 30, 1993, President Clinton signed Executive Order 12,866, which was aimed at making the regulatory process more "effective, consistent, sensible, and understandable." In this session, senior officials who played a central in the review of regulations by the Executive Branch, reflect on the successes, failures, and lessons learned throughout the last twenty years.

3:00 pm – 4:30 pm **Jobs and Environmental Regulation***

Moderated by Jason Schwartz

Adam Finkel	Senior Fellow, University of Pennsylvania Law School; Executive Director, Penn Program on Regulation
Al McGartland	Director, National Center for Environmental Economics, U.S. Environmental Protection Agency
Richard Morgenstern	Senior Fellow, Resources for the Future
Anne Smith	Senior Vice President & Environment Group Co-Head, NERA Economic Consulting

High unemployment numbers have put a spotlight on the impact of environmental regulations on jobs—the news is overrun with claims about how many jobs will be "created" or "killed" due to new protections. This panel will discuss the uncertainty surrounding jobs impact analysis and evaluate competing approaches.

4:30 pm – 4:45 pm **Closing Remarks by Richard Revesz**

*Upon sign-in and sign-out, CLE credits will be available for each of these individual sessions.