

JENNIFER KATE RUSHLOW

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EDUCATION

J.D. Northeastern University School of Law, 2007

M.P.H. Tufts University School of Medicine, Public Health and Community Medicine, 2007

B.A. Oberlin College, Environmental Studies and Visual Art, 2004

BAR ADMISSIONS

2022 U.S. District Court for the District of Vermont
2021 State of Vermont
2008 Commonwealth of Massachusetts
2009 U.S. District Court for the District of Massachusetts
2010 U.S. Court of Appeals, First Circuit
2012 U.S. Court of Appeals, Ninth Circuit

WORK EXPERIENCE

Vermont Law and Graduate School

2021–present Professor of Law

2022–2024 Dean, Maverick Lloyd School for the Environment

2018–2024 Faculty Director, Environmental Law Center, Vermont Law School

2022–2023 Interim Dean, Vermont Graduate School

2019 Acting Director, Environmental and Natural Resources Law Clinic,
Vermont Law School

2018–2022 Associate Dean for Environmental Programs

2018–2021 Associate Professor of Law, Vermont Law School

Conservation Law Foundation

- 2016–2018 Senior Attorney
- 2013–2018 Founding Director of Farm and Food
- 2011–2016 Staff Attorney

Anderson & Kreiger, LLP

- 2008–2011 Associate Attorney
 - 2007–2008 Law Clerk
- 2007 Legal Intern, U.S. Attorney’s Office for the District of Massachusetts – Civil Division
- 2006 Legal Intern, Alternatives for Community and Environment
- 2005 Judicial Intern, U.S. District Court for the District of Massachusetts, Magistrate Judge Judith Dein

TEACHING EXPERIENCE

Vermont Law and Graduate School

Courses Taught:

- Air Pollution Law and Policy
- Climate Change and the Law
- Environmental and Natural Resources Law Clinic
- Evidence
- Food Justice and Sustainability

SELECT CASES

- Kain v. Dep’t of Env’tl. Prot.*, 474 Mass. 278 (2016).
- Rocky Mountain Farmers Union v. Corey*, 134 S.Ct. 2875 (2014).
- Allen v. National Institutes of Health*, 974 F.Supp.2d 18 (D. Mass. 2013).

AWARDS

2017 Massachusetts Lawyer of the Year Award, Massachusetts Lawyers Weekly

2016 Greenovate Boston Award, City of Boston

PROFESSIONAL SERVICE

2018–2024 Member, Curriculum Committee, Vermont Law School

2023 Chair, Section on Environmental Law, Association of American Law Schools

2022 Reporter, Vermont Supreme Court, Advisory Committee on the Vermont Rules of Evidence

2022 Chair-Elect, Section on Environmental Law, Association of American Law Schools

2021 Member, Section on Environment, Energy, and Resources, American Bar Association

2020-2021 Secretary, Section on Environmental Law, Association of American Law Schools

2020 Member, Strategic Planning Committee, Vermont Law School

2020 Member, Environment Scientific Committee, Global Pandemic Network

2020 Member, Admissions Committee, Vermont Law School

2019–2020 Treasurer, Section on Environmental Law, Association of American Law Schools

2017–2018 Member, Massachusetts Farmland Advisory Panel, appointed by Agriculture Commissioner John LeBeaux

2014–2018 Steering Committee Member, Massachusetts Food System Collaborative

2014–2017 Network Team Member, Food Solutions New England

2015–2018 Advisory Board Member, Farmland Access Legal Toolkit, Center for Agriculture and Food Systems, Vermont Law School

2011–2017 Board of Directors, Alternatives for Community and Environment

2015–2016 Member, Massachusetts Zero Emission Vehicle Commission, appointed by Governor Deval Patrick

- 2011–2013 Policy Committee Member, Massachusetts Smart Growth Alliance
- 2011–2013 Co-Chair of Environmental Law Public Service Committee, Boston Bar Association

PUBLICATIONS

Books

Zygmunt J.B. Plater et al., *Environmental Law and Policy: Nature, Law, and Society* (6th ed. forthcoming).

Book Chapters

Randi J. Eisner and Jennifer K. Rushlow, *Smart Growth (G.L. c. 40R and 40S)* in Massachusetts Zoning Manual (Martin R. Healy & Peter A. Alpert eds., MCLE 5th ed. 2015).

William L. Lahey and Jennifer K. Rushlow, *Coastal Zone Law* in Massachusetts Environmental Law (Gregor I. McGregor & R. Lisle Baker eds., MCLE 3rd ed. 2010).

Kevin D. Batt and Jennifer K. Rushlow, *Municipal Law* in Handbook of Legal Research in Massachusetts (Mary Ann Neary, Ruth G. Matz, & Kevin D. Batt eds., MCLE 3rd ed. 2009).

Articles

Aidan Riley Burkholder Freeman, H. Michael Keller, Jacqueline M. Rosen, Sean Kelley, John B. Lyman, Todd Palmer, Jennifer Kate Rushlow, Douglas R. Williams, “Environment, Energy, and Resources Law: The Year in Review 2023, Air Committee Report,” American Bar Association (2024).

Jennifer Rushlow, “Biden’s strategy for cutting carbon emissions from electricity generation could extend the lives of fossil fuel power plants,” *The Conversation*, May 12, 2023.

Jonathan Rosenbloom and Jennifer Rushlow, “Introduction to Roundtable Series: Same song, different chorus: Modernizing environmental law curriculum,” 46 *Vt. L. Rev.* 543 (2022).

Sandra Santiago and Jennifer Rushlow, “Up Next for Infrastructure: All Eyes on Federal Agencies,” *Vt. J. of Env’tl L.* (2022).

Ciara Hopkins and Jennifer Rushlow, “Wildfires, Air Pollution, and the EPA,” *Vt. J. of Env’tl L.* (2021).

Sue Reid and Jennifer Rushlow, “Behind the Curtain: Insiders’ View of Developing and Enforcing State Climate Change Laws,” 50 *Env’tl. L. Rep.* 10466 (2020).

Ainslie Neubert and Jennifer Rushlow, “Monsanto’s Roundup Litigation in 2020: Restitution for Farmworkers?” *Vt. J. of Env’tl L.* (2019).

Jennifer Rushlow, “Rapid DNA Database Expansion and Disparate Minority Impact,” 20 *GeneWatch* no. 4 (2007).

Select Reports

Winton Pitcoff and Jennifer Rushlow, *Cultivating Good Food Policy: A guide to advocacy campaigns for Massachusetts food system stakeholders* (Conservation Law Foundation & Massachusetts Food System Collaborative 2018), available at <https://mafoodsystem.org/media/projects/pdfs/CultivatingGoodFoodPolicy.pdf>.

Jennifer Rushlow, Gina Coplon-Newfield, Mark LeBel, and Emily Norton, *Charging Up: The Role of States, Utilities, and the Auto Industry in Dramatically Accelerating Electric Vehicle Adoption in Northeast and Mid-Atlantic States* (Conservation Law Foundation, Sierra Club, & Acadia Center 2015), available at <https://www.clf.org/publication/charging-role-states-utilities-auto-industry-dramatically-accelerating-electric-vehicle-adoption-northeast-mid-atlantic-states/>.

Ben Bowell, Cris Coffin, Christophe Courchesne, Ivy Frignoca, Max Greene, Anthony Iarrapino, Jennifer Rushlow, and Kathryn Ruhf, *New England Food Policy: Building a Sustainable Food System* (American Farmland Trust, Conservation Law Foundation, & Northeast Sustainable Agriculture Working Group 2014), available at <http://www.newenglandfoodpolicy.org>.

PRESENTATIONS

- 2024 Debate Moderator, “Hacking the Planet: Is geo-engineering a salvation or a curse?” VLGS Emerging Environmental Law Curriculum Conference, June 21.
- 2024 Panelist, Climate Change Law, VLGS Environmental Law Society Legislative Panel, March 29.
- 2024 Moderator, “Climate Push and Pull: How Must Domestic Laws Adapt to International Climate Change-induced Migration?” Association of American Law Schools Annual Meeting, January 5.
- 2023 Invited Speaker, “Climate and Administrative Law,” Environmental Law Society Regulatory Workshop, Boston College Law School, November 9.
- 2023 Moderator, “Ethics: The Evolving Role of Citizen Lawyers: In a Time of Environmental Crisis, Is It Time for a New Take on the (Old) Rules of Professional Conduct?” American Bar Association Section on Environment, Energy, and Resources 52nd Spring Conference on Environmental Law, April 28.

- 2022 Invited Speaker, “Climate and Administrative Law,” Environmental Law Society Regulatory Workshop, Boston College Law School, October 26.
- 2022 Panelist, “Environmental Justice and the Historic Exclusion of BIPOC in Environmentalism,” Public Interest Environmental Law Conference, University of Oregon School of Law, March 6.
- 2021 Invited Speaker, “Climate and Administrative Law,” Environmental Law Society Regulatory Workshop, Boston College Law School, October 22.
- 2021 Panel Speaker, “Policy Advocacy: Saving your Business and the Planet,” See Change Summit, March 25.
- 2020 Invited Speaker, “Climate and Administrative Law,” Environmental Law Society Regulatory Workshop, Boston College Law School, October 27.
- 2020 Panel Speaker, “Being an Agent of Change During the Coronavirus,” National Consortium of Public Interest Law Schools, October 26.
- 2020 Panel Speaker, “Embedded Racism in the Law,” Vermont Law School, June 4.
- 2020 Panel Speaker, “Earth's Day's Golden Anniversary Panel: Faculty Perspectives from Then and Now,” Vermont Law School, April 22.
- 2020 Invited Speaker, “Essential Yet Unprotected: Farmworkers in America,” Vermont Law School’s Hothouse Earth Podcast, June 19.
- 2020 Invited Speaker, H. 688 Global Warming Solutions Act, Senate Committee on Natural Resources and Energy, Vermont General Assembly, May 18.
- 2020 Invited Speaker, H. 688 Global Warming Solutions Act, House Committee on Energy and Technology, Vermont General Assembly, January 23.
- 2019 Invited Speaker, “No Time to Lose: Addressing the Climate Crisis in Court,” Clason Speaker Series, Western New England University School of Law, October 30.
- 2019 Presenter, “Behind the Curtain: Insiders’ Views on Enforcing State Climate Change Laws,” Online Workshop for Environmental Scholarship, University of Maryland, October 28.
- 2019 Moderator, “Clean Water & Vermont’s Dairy Industry,” Bridging the Gap: Reconciling Agriculture with Environmentalism, Vermont Law School, October 25.
- 2019 Invited Speaker, “Climate Litigation,” Boston College Law School, October 24.

- 2019 Invited Speaker, “Climate and Administrative Law,” Environmental Law Society Regulatory Workshop, Boston College Law School, October 24.
- 2019 Moderator, “The Frontline: Social Justice, Environmental Justice, and Redressing Past Wrong,” Legal Frameworks for a Green New World: Breathing Life into the Goals of the Green New Deal, Vermont Law School, October 4.
- 2019 Panel Speaker, “Governing for Farm Viability,” Radically Rural Conference, September 19.
- 2019 Panel Speaker, “Disruptive Forces Affecting Food System Workers,” Food & Our Changing Climate: A Conference Integrating Science and Law, University of Connecticut School of Law, April 26.
- 2019 Opening Remarks, “Calming Troubled Waters: Local Solutions,” Norman Williams Lecture with John Nolon, Vermont Law School, April 4.
- 2019 Invited Speaker, H. 688 Global Warming Solutions Act, House Committee on Energy and Technology, Vermont General Assembly, April 3.
- 2019 Invited Speaker, “State Climate Law Case Study,” Virtual Environmental Law Guest Speaker Series, Mercer University Law School, March 18.
- 2019 Invited Speaker, “Legislative Advocacy Training,” Environmental Law Society Civic Engagement Series, Vermont Law School, March 14.
- 2019 Panel Speaker, “Feeding the Warming Planet,” Food Justice Symposium, Harvard Law School, March 9.
- 2018 Moderator, “Applied Law Panel,” Rights of Nature: Shifting Paradigms and Grounding in the Law, Vermont Law School, October 19.
- 2018 Invited Speaker, “Legal Resources for Farmers,” 2018 Northeast Association of State Departments of Agriculture Annual Meeting, June 6.
- 2018 Panel Speaker, “Land Access in the City: From The Ground Up,” 6th Annual Massachusetts Urban Farming Conference, Bunker Hill College, March 17.
- 2018 Panel Speaker, “Changing the Food System Through Policy Advocacy,” 6th Annual Massachusetts Urban Farming Conference, Bunker Hill College, March 16.
- 2018 Panel Speaker, “CLE – Engaging and Working with an Expert Witness and Outside Counsel,” Conservation Law Foundation, January 12.
- 2017 Guest Lecturer, Food Law and Policy, Harvard Law School, Spring Semester.

- 2017 Guest Lecturer, Introduction to Environmental and Occupational Health, Tufts Medical School, Spring Semester.
- 2016 Invited Speaker, “CLE – Down on the Farm: Environmental Challenges and Opportunities in Massachusetts Agriculture,” Boston Bar Association, December 6.
- 2016 Panel Speaker, “Land Access for Urban Agriculture,” 2016 Farmland Access Conference, Maine Farmland Trust, December 5.
- 2016 Invited Speaker, “Writing Ordinances: Process and Practical Steps,” Municipal Planner Urban Agriculture Webinar, Massachusetts Department of Agricultural Resources, November 17.
- 2016 Invited Panel Speaker, “Direct Legal Services for Farmers as a Means for Environmental and Animal Welfare,” Animal Law and Environmental Law: Building Collaboration Conference, Yale Law School, November 5.
- 2016 Invited Speaker, “MA Supreme Judicial Court Decision in the Global Warming Solutions Act Case: A Litigation Update,” Boston Bar Association, June 14.
- 2016 Panel Speaker, “Successful Policy Interventions,” 6th Annual New England Food Summit, Housatonic Community College, June 8–9.
- 2016 Speaker, “MA Local Food Action Plan,” Massachusetts Agriculture Day, Massachusetts State House, April 5.
- 2016 Panel Speaker, “Farmland Access, Just Food?,” Forum on Land Use, Rights and Ecology, Harvard Law School, March 25.
- 2016 Presenter and Co-Facilitator, “Urban Agriculture Planning” Pre-Conference Workshop, 4th Annual Massachusetts Urban Farming Conference, Northeastern University, March 12.
- 2016 Guest Lecturer, Introduction to Environmental and Occupational Health, Tufts Medical School, Spring Semester.
- 2015 Speaker, “Charging Up: The Role of States, Utilities, and the Auto Industry in Dramatically Accelerating Electric Vehicle Adoption,” Acadia Center, Conservation Law Foundation, and Sierra Club Webinar, November 17.
- 2015 Panel Speaker, “Movers and Shakers in Food Law and Policy,” Food Law Leadership Summit, Harvard Law School, October 3.
- 2015 Panel Speaker, “Land in the City: Access and Development,” 3rd Annual Massachusetts Urban Farming Conference, Worcester State University, March 28.

- 2015 Panel Speaker, “Urban Farmers and Food Entrepreneurs—Do You Need A Lawyer?,” 3rd Annual Massachusetts Urban Farming Conference, Worcester State University, March 28.
- 2015 Panel Speaker, “Food Justice,” Global Food, Local Solutions Conference, Vermont Law School, March 27.
- 2014 Invited Speaker, “Legal Factors in Food Policy: Boston’s Article 89 and Urban Agriculture,” Northeastern University, September 24.
- 2014 Session Leader, “Career Paths for Students Lawyering in Sustainability: Pursuing Innovative Endeavors With Legal Tools Both Old and New,” Lawyering for the Sustainable City Conference, Northeastern University School of Law, March 21.
- 2014 Invited Speaker, “The Keystone XL Pipeline: Talking the Tar Sands Boom and its Impacts,” Boston Bar Association, March 18.
- 2014 Invited Speaker, “Cultivating Local, Healthy Food: Urban Agriculture Initiatives & Pro Bono Opportunities,” Boston Bar Association, February 27.
- 2014 Invited Speaker, “New England Food Policy Report,” Massachusetts Food Policy Council, September 5.
- 2014 Guest Lecturer, Food Justice, Tufts University Graduate School of Arts and Sciences, Fall Semester.
- 2014 Invited Speaker, “State Efforts to Recruit and Retain Farmers and Provide Local Foods,” Council of State Governments Eastern Regional Conference, August 3–6.
- 2014 Speaker, “Reducing Farmland Conversion,” New England Food Policy: Building a Sustainable Food System Webinar Series, Northeast Sustainable Agriculture Working Group, Conservation Law Foundation, and American Farmland Trust, May 14.
- 2014 Speaker, “New England Food Policy,” 4th Annual New England Food Summit, Food Solutions New England, June 12–13.
- 2014 Invited Speaker, “Legal Resources for Urban Farmers,” Urban Farming Conference, Northeastern University, March 8.
- 2014 Panel Speaker, “Local Food Movement,” Local Environmental Action Conference, Northeastern University, March 2.
- 2014 Invited Speaker, “Cultivating Local, Healthy Food: Urban Agriculture Initiatives & Pro Bono Opportunities,” Boston Bar Association, February 27.

- 2013 Panel Speaker, “Overcoming Barriers to Cultivating Urban Agriculture,” Land Use Law Center’s 12th Annual Land Use and Sustainable Development Conference, Elisabeth Haub School of Law at Pace University, December 6.
- 2013 Invited Speaker, “Putting it All Together: Strategic Tips for Approaching Environmental Review Including EIS/EIR Design and Preparation,” Massachusetts Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA) Seminar, Law Seminars International, November 7.
- 2013 Invited Panel Speaker, “Environmental Justice Panel Discussion,” Center for Energy and Environmental Law, University of Connecticut School of Law, October 28.
- 2013 Guest Lecturer, Food Justice, Tufts University Graduate School of Arts and Sciences, Fall Semester.
- 2013 Speaker, “Food Safety – Produce,” 3rd Annual New England Food Summit, University of Southern Maine, June 13–14.
- 2013 Panel Speaker, “Current Food System Issues,” Local Environmental Action Conference, Northeastern University, March 10.
- 2013 Organizer and Speaker, “Massachusetts Electric Vehicle” Roundtable, Massachusetts Executive Office of Energy and Environmental Affairs, March 7.
- 2012 Invited Speaker, “Food Law and Policy Career Panel,” Harvard Law School, November 14.
- 2012 Invited Speaker, “Environmental and Food Justice Law,” Black Law Students Association, Harvard Law School, October 15.
- 2012 Invited Panel Speaker, “Environmental Advocacy Law,” U.S. Environmental Protection Agency Region 1, June 14.

SELECT MEDIA

Law360, “State Climate Superfund Laws Will Face Fossil Fuel Fightback,” May 31, 2024.

NBC News, “Vermont becomes first state to mandate that fossil fuel companies pay for climate damages,” May 31, 2024.

The Guardian, “Vermont poised to become first US state to charge big oil for climate damage,” May 9, 2024.

Bloomberg Law, “Power Plant Rules Face Legal Headwinds with a Solid Foundation,” April 26, 2024.

E&E, “Specter of Supreme Court smackdown looms over Biden climate rule,” April 26, 2024.

Bloomberg Law, "State 'Polluter Pays' Bills to Test Scope of Climate Change Law," April 24, 2024.

Vermont Public, Vermont Edition, "A deep dive on Vermont's climate superfund bill," April 10, 2024.

Associated Press, "Vermont advances bill requiring fossil fuel companies pay for damage caused by climate change," April 1, 2024.

Forbes, "New EPA Air Quality Guidelines A Step Forward, Experts Claim," February 14, 2024.

DeSmog, "2023 Has Been A Big Year for Climate Accountability in the Courts," December 26, 2023.

The Hill, "New York heats up nation-wide debate on gas stove bans," May 6, 2023.

Politico, "No other way to do it': Biden about to go big on power plants," May 6, 2023.

E&E News, "These rules could make or break Biden's climate legacy," May 5, 2023.

Washington Post, "How the EPA is bolstering its second try at power plant regulations," May 1, 2023.

Popular Science, "Greenwashing lawsuit against Dutch airline is the first of its kind," July 10, 2022.

Grist, "How a 50-year-old PR strategy influenced the Supreme Court's EPA decision," July 6, 2022.

Southern California Public Radio, AirTalk, "With the EPA's Regulatory Power Curtailed, How Can The Biden Administration Still Fight Climate Change?" July 5, 2022.

CNBC, "The Supreme Court's EPA ruling is a big setback for fighting climate change, but not a death knell," July 1, 2022.

LAW.COM, "Vermont Law School Launches Tuholske Institute for Environmental Field Studies to Honor Late Professor," December 7, 2021.

Bloomberg Business, "Europe is Key Staging Ground for Climate Lawyers Dodging Big Oil," September 9, 2021.

Fast Company, "New Climate Ads Trot Out Young People to Make a Case that CEOs Have Been Ignoring for Years," August 3, 2021.

Popular Science, "Our go-to weapon against heatwaves? A dirty backup power source," June 26, 2021.

WCAX News, "How to spot 'greenwashing,'" June 24, 2021.

NBC, "What Amazon's Climate Pledge means, according to experts," June 17, 2021.

S&P Global Market Intelligence, "Democrats probe US Supreme Court pick's climate stance, legal philosophy," October 15, 2020.

WCAX News, Segment on the Vermont Global Warming Solutions Act, September 22, 2020.

InsideEPA, "Attorneys In Failed Youth Climate Suit Detail Plan To Win En Banc Review," January 22, 2020.

Time, "A Federal Court Threw Out A High Profile Climate Suit. Here's What It Might Mean For The Future Of Climate Litigation," January 18, 2020, *available at* <https://time.com/5767438/climate-lawsuit-kids/>.

Associated Press, "US Court Dismissed Suit by Youths Over Climate Change," January 17, 2020, *available at* <https://www.nytimes.com/aponline/2020/01/17/us/ap-us-kids-sue-climate-change.html>.

National Public Radio, "Kids' Climate Case 'Reluctantly' Dismissed by Appeals Court," January 17, 2020, *available at* <https://www.npr.org/transcripts/797416530>.

E&E News, "Vermont Law School hires new director," August 6, 2018.

The New Food Economy, "For these pro bono lawyers, 'Know your farmer' takes on new meaning," June 7, 2018, *available at* <https://newfoodeconomy.org/legal-food-hubs-small-farm-business/>.

Civil Eats, "Farmers Can't Afford the Legal Help They Need. These Lawyers Are Mobilizing to Change That," May, 17, 2018 (republished in *Edible Manhattan*, May 31, 2018).

Massachusetts Lawyers Weekly, "Lawyers of the Year," January 16, 2017, *available at* <https://masslawyersweekly.com/files/2017/01/LOY2017.pdf>.

To Market Magazine, "Matchmaker, Matchmaker, Find Me a Lawyer," September 9, 2016, *available at* <http://www.tomarketmagazine.com/stories/2016/9/9/matchmaker-matchmaker-find-me-a-lawyer>.

Boston Globe, "SJC rules Mass. failed to issue proper regulations to cut emissions," May 18, 2016, *available at* <https://www.bostonglobe.com/metro/2016/05/18/sjc-rules-that-state-failed-issue-proper-regulations-cut-emissions/N6rAAeGAR4LrjqF8K71JJ/story.html>.

WBUR, "Mass. High Court Says State Hasn't Met Obligations On Greenhouse Gas Emissions," May 17, 2016, *available at* <http://www.wbur.org/news/2016/05/17/sjc-ruling-global-warming-act>.

MassLive, "State's high court rules for environmentalists in global warming lawsuit against Massachusetts," May 17, 2016.

Boston Globe, "Suit faults Mass. record in cutting emissions," January 4, 2016.

MassLive, "Judge dismisses environmentalists' global warming lawsuit against Massachusetts," March 25, 2015.

Associated Press, "Lawsuit seeks strict limits on greenhouse gas emissions," March 9, 2015.

MassLive, "Environmental activists sue Massachusetts to get new global warming regulations," March 9, 2015.

E&E News, "In new twist, RFS could boost electric vehicles," July 8, 2014.

Providence Journal, "Frank Carini: Tar-sands fuels have no place in region's energy mix," May 20, 2014.

TakePart, "Can New England Source Half Its Food Locally by 2060?," April 4, 2014.

WBUR, "Boston Zoning Commission Approves Urban Farming Guidelines," December 18, 2013.

WCVB Boston, "Federal judge OKs Boston U disease research lab," October 2, 2013.

Boston Globe, "Final risk assessment released for BU biolab," July 6, 2012.

Inside Climate News, "Opponent of Clean Fuels Standard Fires Warning Shot at Attorneys General," April 3, 2012.

Boston Business Journal, "Menino touts economic impact of lab stalled by lawsuits," January 10, 2012.