

## JEFFREY MARK GABA

M.D Anderson Foundation Endowed Professor in Health Law  
Dedman School of Law  
Southern Methodist University  
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### EDUCATION

Harvard University  
School of Public Health  
Degree Received: Master of Public Health, June 1989  
Subjects Studied: toxicology, epidemiology, and biostatistics

Columbia University  
School of Law  
Degree Received: J.D., May 1976  
Honors: Harlan Fiske Stone Scholar, 1974-1975  
Activities: Notes and Comments Editor, Columbia Journal of Environmental Law

University of California, Santa Barbara  
Degree Received: B.A., June 1972  
Majors: Anthropology, African Studies  
Honors: Graduated With High Honors, NDEA Fellowship to study Swahili, UCLA, 1970

University of Nairobi, Nairobi, Kenya  
Junior Year Abroad, 1970 - 71

### EMPLOYMENT

#### *Academic:*

Professor of Law	1992-present
Associate Professor of Law	1986-1992
Assistant Professor of Law	1981-1986
Dedman School of Law Southern Methodist University Dallas, TX	

Visiting Lecturer	November 1996
School of Law Meiji Gakuin University Tokyo, Japan	

Visiting Associate Professor	Spring 1987
School of Law University of Hawaii Honolulu, Hawaii	

#### *Of Counsel:*

Gardere Wynne Sewell LLP Dallas, Texas	1989 - present
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*Other:*

Acting Assistant General Counsel Attorney/Advisor Office of General Counsel U.S. Environmental Protection Agency Washington, D.C.	1981 1977-1980
Attorney Environmental Defense Fund Denver, Colorado	1977
Law Clerk Chief Justice Edward Pringle Colorado Supreme Court Denver, Colorado	1976-1977

**COURSES TAUGHT**

Environmental Law, Property, Administrative Law, International Environmental Law, Advanced Environmental Law, Environmental Ethics, and Regulation of Hazardous Substances

**PUBLICATIONS**

*Book and Treatises:*

Applegate, Laitos, Gaba & Sachs, The Regulation of Toxic Substances and Hazardous Waste: Cases and Materials 2d Ed. (Foundation Press, University Casebook Series) (2011) with Teacher's Manual

Gaba & Stever, The Law of Solid Waste, Pollution Prevention and Recycling (1992)(updated annually)

Environmental Law (West Black Letter Series 5th ed. 2016)

Gaba's Texas Environmental Laws Annotated (updated annually)

Author and Editor, Environmental Liability for Banks (Norton and Gaba eds. 1995)

*Selected Articles:*

*The Private Causes of Action under CERCLA: Navigating the Intersection of Sections 107(a) and 113(f)*, 5 Mich. J. of Env'tl. and Admin L. 117 (2015)

*Flowback: Federal Regulation of Wastewater from Hydraulic Fracturing*, 39 Colum. J.Env'tl. L. 251 (2014)

*Exporting Waste: Regulation of the Export of Wastes under the Resource Conservation and Recovery Act*, 35 William & Mary Env.L & Pol. Rev. 405 (2012)

*Copyrighting Shakespeare: Jacob Tonson, Eighteenth Century English Copyright, and the Birth of Shakespeare Scholarship*, 19 J. Int. Prop. L. 21 (2011)

*International Trade Limitations on U.S. Global Warming Policy*, EM, Environmental Manager 35 (January/February 2010)

*Rethinking Recycling*, 38 Environmental Law 1053 (2008)

*Generally Illegal: NPDES General Permits under the Clean Water Act*, 31 Harv. Envtl. L.Rev. 409 (2007); Reprinted in Land Use and Environmental Law Review Annual 2008-2009

*John Locke and the Meaning of the Takings Clause*, 72 Missouri L.Rev. 525 (2007)

*Taking "Justice and Fairness" Seriously: Distributive Justice and the Takings Clause*, 40 Creighton L. Rev. 569 (2007)

*United States v. Atlantic Research: The Supreme Court Almost Gets It Right*, 37 Envt. L. Rept. 10180 (November 2007); Primary material in Applegate et al., Toxic Substances and Hazardous Waste (2<sup>nd</sup> Ed.)

*New Sources, New Growth and the Clean Water Act*, 55 Ala. L. Rev. 651 (2004)

*We Do Not Hold the Earth in Trust*, 33 Envt. L. Rep. 10325 (2003); Primary material in Klein et al., Natural Resources Law: A Place-based Book of Problems and Cases (2<sup>nd</sup> Ed.)

*South Camden and Environmental Justice: Substance, Procedure, and Politics*, 31 Envt. L. Rep. 11073 (2001)

*Regulation by Bootstrap: Contingent Management of Hazardous Waste under the Resource Conservation and Recovery Act*, 18 Yale J. on Reg. 83 (2001)

*Environmental Ethics and Our Moral Relationship to Future Generations: Future Rights/Present Virtue*, 24 Colum. J. Envtl. L. 249 (1999)

*Tax Deduction of Hazardous Waste Cleanup Costs: Harmonizing Federal Tax and Environmental Policies*, 20 Harv. Envtl. L. Rev. 61 (1996); Primary material in Livingstone et al., Taxation: Law, Planning and Policy (2<sup>nd</sup> Ed.)

*Interpreting Section 107(a)(3) of CERCLA: When Has a Person "Arranged for Disposal?"*, 44 Sw. L.J. 1313 (1991)

*The Mixture and Derived-From Rules under RCRA: Once a Hazardous Waste, Always a Hazardous Waste?*, 21 Envt. L. Rep. 10033 (1991); Primary material in Applegate et al., Regulation of Toxic Substances and Hazardous Waste (2000)

*Lender Liability for the Cleanup of Hazardous Waste*, 45 Consumer Fin. L.Q.Rep. 52 (1991)

*The Citizen Suit Provision of CERCLA: A Sheep in Wolf's Clothing?*, 43 Sw. L.J. (1990) (With Kelly)

*Environmental Laws Regulating Chemicals: Uses of Information in Decision Making Under Environmental Statutes*, Proceedings of the Symposium on the Access and Use of Information Resources in Assessing Health Risks from Chemical Exposure, Co-sponsored by the Oak Ridge National Lab and Environmental Protection Agency (June 1990).

*Separating Chaff from Wheat: Solid Waste and Recycled Materials Under RCRA*, 16 Ecology L.Q. 623 (1989)

*Recovering Hazardous Waste Cleanup Costs: The Private Cause of Action under CERCLA*, 13 Ecology L. Q.181 (1986)

*Informal Rulemaking by Settlement Agreement*, 73 Geo. L. J. 1241 (1985)

*Federal Supervision of State Water Quality Standards under the Clean Water Act*, 36 Vand. L. Rev. 1167 (1983)

Note, *Voir Dire of Jurors: Constitutional Limits to the Right of Inquiry into Prejudice*, 48 U. Colo. L. Rev. 525 (1977)

#### **UNIVERSITY ACTIVITIES**

Member, University Research Council 2015-present

Chair and/or Member, Faculty Teaching Committee 2014-present

Chair and/or Member, Faculty Appointments Committee 2004-2015

Chair, Faculty Forum Committee 2007-2012

Chair, Promotion and Tenure Committees for numerous faculty candidates

Member, Search committee for proposed SMU Center for the Environment

Member, Dedman College Promotion and Tenure Advisory Committee 2004-2006

#### **PROFESSIONAL ACTIVITIES**

Dedman School of Law, Corporate Council Symposium, Global Warming Rules, October 2011

Georgetown Law School Colloquium on Environmental Law, Rethinking Recycling, November 2007

Environmental Law Section, Austin Bar Association, Supreme Court Update, June 2007

Environmental Law Section, Dallas Bar Association, Environmental Racism, July 2006

Conference of the Association of International Petroleum Negotiators, Buenos Aires, 2004

Testimony before Joint Hearings of the Subcommittee on Fish and Wildlife and the Environment and Subcommittee on Oceans and Great Lakes of the House Merchant Marine Committee on H.R. 2647, the Coastal Defense Initiative, March 6, 1990

Vice-Chair, Solid and Hazardous Waste Committee, ABA Section of Natural Resources, Energy and Environmental Law, 1992-1993

Member, Dallas Environmental Health Commission, 1985 - 1986

Chair, Environmental Law Section, Dallas Bar Association, 1985

Agency for International Development, Review of Tunisian environmental laws with Professor Howard Taubenfeld, 1982

### **SIGNIFICANT LITIGATION**

Cooper Industries v. Aviall Services Co., 543 U.S. 157 (2004)(brief for respondent)(issues regarding rights of contribution under Cercla)

U.S. v. Atlantic Research, 551 U.S. 128 (2007)(amicus brief)(rights of direct cost recovery under Cercla)

Friends of the Earth v. Gaston Copper Recycling Corp., 629 F.3d 387 (4<sup>th</sup> Cir. 2011)(briefed and argued)(standing and Clean Water Act issues)