

KIRSTEN H. ENGEL

EDUCATION

Northwestern Univ Sch of Law, Chicago, IL, J.D., 1986, Note & Comment ed, NW. U. L. REV.
Brown University, Providence, R.I., B.A., 1983, *magna cum laude*, Phi Beta Kappa.

EMPLOYMENT

2005 – present: Professor, University of Arizona College of Law
2025-2027: On leave to serve as Chief and Special Assistant Attorney General,
Environmental Protection Unit, Office of the Arizona
2000 – 2004: Assistant Attorney General, Massachusetts Office of Attorney General
2000-2001: Chief, Environmental Protection Division
2001-2004: Special Counsel, Public Protection Bureau
1992 – 2000: Associate Professor, Tulane Law School, New Orleans, LA
Fall Semester 1999: Visiting Professor, Harvard Law School
Spring Semester 1997: Visiting Professor, Vanderbilt School of Law
1990 – 1992: Staff Attorney, Sierra Club Legal Defense Fund, Washington, D.C.
1987 – 1990: Staff Attorney, Office of General Counsel, United States Environmental
Protection Agency, Washington, D.C.
1986 – 87: Judicial Clerk, Hon. Myron H. Bright, Senior Circuit Judge, United States
Court of Appeals for the Eighth Circuit, Fargo, N.D.

ELECTED POSITIONS

2021 – 2021 (Sept): Senator, Arizona State Senate, Legislative District 10
Ranking member: Judiciary Committee
Other Committee Memberships: Natural Resources, Energy and Water, Finance, Ethics
2019 – 2020: Representative, Arizona House of Representatives, Legislative District 10
Ranking member: Judiciary Committee
Other Committee Memberships: Natural Resources, Energy and Water
2017-2018: Representative, Arizona House of Representatives, Legislative District 10
Ranking Member: Energy and Environment Committee
Other Committee Memberships: Judiciary

PUBLICATIONS

Books

THE CRISIS IN GLOBAL ETHICS AND THE FUTURE OF GLOBAL GOVERNANCE: FULFILLING THE
PROMISE OF THE EARTH CHARTER, EDWARD ELGAR PUBLISHING (Burdon, Bosselmann
and Engel, eds.) (2019).

ENVIRONMENTAL LAW: A CONCEPTUAL AND PRAGMATIC APPROACH, 3d edition, ASPEN
PUBLISHERS (Driesen, Adler and Engel, eds) (2016).

INTERNATIONAL ENVIRONMENTAL LAW ANTHOLOGY (D'Amato & Engel) ANDERSON 1996.

Book Chapters

Environmental Federalism: A View from the United States, in *ENCYCLOPEDIA OF ENVIRONMENTAL LAW: ENVIRONMENTAL DECISIONMAKING*, eds. Robert Glicksman et al. (Edward Elgar Publishing, 2016)

Climate Change Federalism, in *ENCYCLOPEDIA OF ENVIRONMENTAL LAW: CLIMATE CHANGE*, eds. Daniel Farber and Marjan Peeters (Edward Elgar Publishing, 2016).

The Enigma of State Climate Change Policy Innovation, in *THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS* (Robbins ed., Edward Elgar Publishing (2015).

The Limits of National Climate Change Policymaking and the Courts, in *CHANGING CLIMATE POLITICS: US POLICIES AND CIVIC ACTION*, WOLINSKY-NAHMIAS, ED., CONGRESSIONAL QUARTERLY PRESS (2014).

When “Smoke isn’t Smoke”: Missteps in Air Quality Regulation of Wildfire Smoke, in *WILDFIRE POLICY: LAW AND ECONOMICS PERSPECTIVES* (TAYLOR AND FRANCIS PRESS 2011) (with Andrew Reeves).

Courts and Climate Policy: Now and in the Future in *GREENHOUSE GOVERNANCE: ADDRESSING CLIMATE CHANGE IN AMERICA*, Barry G. Rabe, ed., BROOKINGS PRESS (2010).

State Governance: Leadership on Climate Change, in *AGENDA FOR A SUSTAINABLE AMERICA*, John C. Dernbach ed., ENVTL. LAW INST. (2009) (with Marc Miller).

Adaptive Environmental Federalism in *PREEMPTION CHOICE: THE THEORY, LAW, AND REALITY OF FEDERALISM’S CORE QUESTION*, William W. Buzbee, ed., CAMBRIDGE UNIV. PRESS (2009) (with David Adelman).

Environmental Federalism: A Framework for Federal Regulation in *REGULATORY COMPETITION AND ECONOMIC INTEGRATION: COMPARATIVE PERSPECTIVES*, Daniel C. Esty and Damien Geradin, eds., OXFORD UNIV. PRESS (2000) (with Susan Rose Ackerman)

Articles

Climate Change Regulation and the Second Trump Administration: Toward a “Null Set” Environmental Federalism, __ J. LAND USE & ENVTL. L. __ (2026).

Trump’s Clean Energy Funding Freeze: Can he Do It?, 39 Nat. R. & Evt. 1 (2025).

Climate Federalism in the Time of COVID-19: Can the States “Save” American Climate Policy?, 47 N. Ky L. Rev. 115 (2020).

Arizona's Groundwater Management Act at 40: Tackling Unfinished Business, 10 Arizona J. Envtl L. & Pol'y 187 (2020) (with Esther Loiseleur and Elise Drillhon).

Democratic Environmental Experimentalism, 35 UCLA J. Envtl. L. & Pol'y 57 (2017).

EPA's Clean Power Plan: An Emerging New Cooperative Federalism? *Publius* Annual Review of Federalism, 45 (3): 452-474 (Summer 2015).

Perverse Incentives: The Case of Wildfire Smoke Regulation, 40 Ecology L. Q. 623 (2013).

Adaptation and the Courtroom: Judging Climate Science, 3 Mich. J. Envtl. & Admin. L. 1 (2013) (with Jonathan Overpeck).

The Potential and Power of Renewable Energy Credits to Enhance Air Quality and Economic Development in Arizona, 43 ARIZ. STATE L.J. 809 (2011) (with Matthew McDonnell and Ardeth Barnhart).

Why not a "Renewables RGGI"?, 3 SAN DIEGO J. CLIMATE & ENERGY L. 79 (2011).

State Standing in Climate Change Lawsuits, 28 J. LAND USE & ENVTL L. 217 (2011).

Damages, Injunctions and Climate Justice: A Reply to Professor Zasloff, 58 UCLA L. REV. DISCOURSE 189 (2011).

How to Take Climate Change into Account: A Guidance Document for Judges Adjudicating Water Disputes, 40 ENVTL. L. REP. (NEWS & ANALYSIS) 11215 (2010) (with Carolyn Brickey Katharine Jacobs, Julia Jolley, Marc Miller, Daniel F. Luecke and Jonathan Overpeck).

Whither Subnational Climate Change Initiatives in the Wake of Federal Climate Legislation?, 39 PUBLIUS: THE JOURNAL OF FEDERALISM 432 (2009).

Reorienting State Climate Change Policies to Induce Technological Change, 50 ARIZ. L. REV. 835 (2008) (with David Adelman).

Micro-Motives and State and Local Climate Initiatives, 2 HARV. L. & POL'Y REV. 119 (2008) (with Barak Y. Orbach).

Adaptive Federalism: The Case Against Reallocating Environmental Regulatory Authority, 92 MINN. L. REV. 1796 (2008) (with David Adelman).

Harmonizing Regulatory and Litigation Approaches to Climate Change Mitigation: Incorporating Tradable Emissions Offsets into Common Law Remedies, 155 U. PA. L. REV. 1563 (2007).

Harnessing the Benefits of Dynamic Federalism in Environmental Law, 56 EMORY L. J. 159

(2006).

Mitigating Global Climate Change in the United States: A Regional Approach, 14 N. Y. U. ENVTL. L. J. 54 (2005).

Subglobal Regulation of the Global Commons: The Case of Global Climate Change, 32 ECOLOGY L.Q. 183 (2005) (with Scott Saleska).

Facts are Stubborn Things: An Empirical Reality Check in the Theoretical Debate Over the Race-to-the-Bottom in State Environmental Standard-Setting, 8 CORNELL J. L. & PUB. POL'Y 55 (1998) (with Scott Saleska).

State Environmental Standard-Setting: Is There a "Race" and Is It "to-the-Bottom"? 48 HASTINGS L. J. 271 (1997).

The Dormant Commerce Clause Threat to State Market-Based Environmental Regulation: The Case of Electricity Deregulation, 26 ECOLOGY L. Q. 243 (1999).

Reconsidering The National Market in Solid Waste: Trade-offs In Equity, Efficiency, Environmental Protection and State Autonomy, 73 N. C. L. REV. 1481 (1995).

Notable Legal Briefs / Reports

Co-author: Brief to the U.S. Supreme Court of *Amici Curiae* Climate Scientists in *Massachusetts v. EPA*, 549 U.S. 497 (2007)).

Contributor: *The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston*, A Report by the Attorney General, Office of the Massachusetts Attorney General's Office (2003).

BAR MEMBERSHIPS

Active: Arizona; District of Columbia