

EDWARD J. HEIDEN
Heiden Associates
318 S. Lee Street
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EXPERIENCE

- 1981 - Present President, Heiden Associates. Heads economic research firm and directs studies for private and public clients in antitrust and competition issues, economic damages assessment, health and safety, environmental, energy, consumer affairs, and other sectors. Studies performed include: evaluations of competitive and general economic impact, damages, and economic loss associated with government regulations, mergers and acquisitions, and business contract cases; analysis of predatory pricing, tying requirements, exclusive dealing arrangements, and price discrimination; analysis of impact of product-specific regulations on industry costs, asset values, economic performance, and consumer prices; comparative risk evaluation, and risk data analyses for product liability, including value-of-injury and life analyses; evaluations of product recall and hazard warning design and effectiveness; analysis of economic impact of toxic substances, hazardous waste, workplace, clean air, and other regulations affecting chemical industries. Has served as an expert witness and provider of economic and statistical analysis in many regulatory, antitrust, trade litigation, and safety matters.
- 1980 - 1981 Chief Economist, Kirschner Associates, an economic consulting firm specializing in analysis of health and safety regulatory issues and antitrust economics. Studies include economic impact of chemical and product safety regulation, and market analysis and assessment of economic damages in major antitrust cases.
- 1973 - 1980 Director, Office of Policy Planning and Evaluation, U.S. Federal Trade Commission (1973-74); Director of Economic Planning, White House Office of Consumer Affairs (1974-76); Director of Strategic Planning, U.S. Consumer Product Safety Commission (1976-79).

Responsible for overall strategic resource planning for these three major government regulatory agencies. Assignments involved extensive analysis of health and safety, antitrust, and consumer issues, e.g., in energy pricing, health and safety, public utilities rate-making and transportation, and assessment of economic losses to affected parties. Also served on special government assignment as follows:

- Executive Board of Task Force on Natural Gas Curtailment, chaired by Federal Power Commission (1974-76)
- Chief Deputy for Consumer Issues Analysis, Executive Council on Wage and Price Stability, and Energy Resources Council (1975-76)
- U.S. Delegate to Organization for Economic Cooperation and Development (OECD) on economic aspects of product safety issues (1976-77)
- Chief Staff Economist, White House Task Force on Hazardous Export Policy (1978-79).

1968 - 1973

Economic Advisor to Commissioner, Federal Trade Commission (1968-70); Chief Economist, Office of Policy Planning and Evaluation, Federal Trade Commission (1970-73). Conducted antitrust and consumer protection economic impact assessment studies for Commission. Developed micro-economic antitrust data base and systems. Advised on merger, antitrust program and case selection. Developed cost-benefit analysis framework for FTC strategic planning. Became Acting Director of the Office of Policy Planning and Evaluation in 1973.

1964 - 1968

Director, Center for Research in Firm and Market Behavior, Social Systems Research Institute, University of Wisconsin, Madison, Wisconsin; Assistant Professor of Economics, University of Wisconsin. Directed research center focusing on analysis of market structure, behavior, and performance of key industry and commodity sectors. Taught graduate and undergraduate courses in micro- and macro-economic theory, antitrust and government regulation of industry.

EDUCATION

Ph.D. in Industrial Organization Economics from Washington University.
A.B. from St. Louis University, summa cum laude.
Woodrow Wilson Fellowship, Harvard University.

PROFESSIONAL ORGANIZATIONS AND HONORS

American Economic Association
American Statistical Association
Econometric Society
NSF Faculty Fellowship
Woodrow Wilson Fellowship
Award for Distinguished Service, Federal Trade Commission (highest professional award)

PUBLICATIONS/PRESENTATIONS (Selected List)

“Anatomy of a Recall”, presented at the 2007 Warranty Chain Management Conference, March 14, 2007.

“Using Risk Information in Product Recall Determinations”, presented at the 2006 International Bar Association annual conference, September 18, 2006.

“Product Recalls: Working Towards Increased Consumer Participation”, presented to Consumer Product Safety Commission staff, May 19, 2005.

Recall Effectiveness Research: A Review and Summary of the Literature on Consumer Motivation and Behavior, prepared for the U.S. Consumer Product Safety Commission, CPSC Order No. CPSC-F-02-1391, Contract No. GS23F9780H, Bethesda, Maryland, July 2003.

“2001-2002 Fixed-Site Amusement Ride Injury Survey Analysis,” in Injury Insights, publication of National Safety Council, Research & Statistical Services, June/July 2003.

“Hazard and Injury Data Input, Organization, and Analysis,” presented at the Annual Conference of the International Consumer Product Health and Safety Organization, Orlando, Florida, March 2001.

Report of Results: Pilot Survey of Aids to Navigation (AtoN) Users Conducted in the Tampa Bay, Florida Area, Summer 2000, (with XL Associates), for the U.S. Coast Guard R&D Center, January 2001.

“The Use and Relevance of Economic Data in the Making of Product Safety Decisions,” presented at the Annual Conference of the International Consumer Product Health and Safety Organization, Orlando, Florida, February 2000.

"The CPSC's ATV Risk Model", Journal of Regulatory Economics, with Thomas Lenard, March 1995.

“Using Economic Analysis in a Robinson-Patman Case – Liability and Damages”, presented to the Michigan Bar Association, July 1994.

"Measuring the Effectiveness of Notification and Recall", in Consumer Products: Government Regulation and Product Liability, Litigation Course Handbook Series No. 273, Practising Law Institute, Washington, DC, 1984.

Impact of Suspect Hazard Designation on Chemical Use and Activity: A Pilot Study, Final Report, Prime Contract No. 68-01-6630, Subcontract No. 24055-02, National Technical Information Service, Springfield, Virginia, 1984.

"Rebuttal to CPSC's Hazard Data System: Response to a Critique," Journal of Products Liability, Vol. 6, 1984.

"Utility of the U.S. Consumer Product Safety Commission's Injury Data System as a Basis for Product Hazard Assessment," Journal of Products Liability, Vol. 5, No. 4, 1983.

"Effect of TSCA on Innovation in Chemical Specialties," Chemical Times and Trends, January 1982.

“Long Range CPSC Data Requirements”, Memorandum to Chairman Susan B. King, 15 March 1979, Consumer Product Safety Commission, Washington, D.C.

"Regulatory Delay: Problems and Proposed Solutions," Proceedings of Symposium on Regulatory Reform, Senate Government Operations Committee, Spring 1977.

"A Systems Approach to Energy Management," Papers and Proceedings of the International Federation of Operations Research and the Institute of Management Sciences, Tokyo, Japan, 1975 (with Dr. S. Basheer Ahmed).

"Some Perspectives on the Development of U.S. Energy Policy," Papers and Proceedings of the International Institute of Electrical and Electronic Engineers, New York, 1975.

"Commission Study Alternatives in the Energy Sector," Memorandum to the FTC, April 22, 1971 (in proceedings of Subcommittee on Special Small Business Problems of the Select Committee on Small Business, House of Representatives, Washington, D.C., July 12, 1971).

"Conglomerates: The Need for Rational Policy Making", Symposium on Conglomerate Mergers, St. John's Law Review, June 1970 (with Commissioner Mary G. Jones).

"Recursive Programming Models for Policy Formulation," Papers and Proceedings of the Conference on the Role of Economic Models in Policy Formation, Washington, D.C., Government Printing Office, 1969 (with R. H. Day).

"Some Economic Policy Problems of International Space Telecommunications, NASA Document, NASA Scientific and Technical Information Division, Washington, D.C., 1967.

STUDIES DIRECTED (Selected List)

Analysis of Member Implementation of Responsible Care Codes for Distribution, Pollution Prevention, Employee Health and Safety, Product Stewardship, Process Safety, Security, and Community Awareness and Emergency Response, for the American Chemistry Council (formerly the Chemical Manufacturers Association), 1991-present.

Analysis of Member Implementation of Responsible Care Codes for Distribution, Pollution Prevention, Employee Health and Safety, Product Stewardship, Process Safety, and Community Awareness and Emergency Response, for the Synthetic Organic Chemical Manufacturers Association (SOCMA), 1995-2002.

Summarization and Analysis of Chemical Incident Reports, for a major industry association, 1997-2003.

"Assessment of Risk Associated with Monkey-Bars-over-Swings (MBOS) Configurations", July 31, 2007 (submitted to the ASTM F15 Committee).

"Economic Assessment of EPA Proposed Rodenticide Risk Mitigation Decision", for Reckitt Benckiser, May 16, 2007 (filed with the U.S. Environmental Protection Agency).

“Review and Analysis of the Health Effects Associated with Exposures to Misbranded Chemicals”, February 2006 (filed with the U.S. Consumer Product Safety Commission).

“An Analysis of the Proposed Extension of the PPPA to Mineral-Oil-Based Cosmetic Products,” for the Cosmetic, Toiletry, and Fragrance Association, June 18, 2001 (filed with U.S. Consumer Product Safety Commission).

“Evaluation of CPSC’s July 2000 Report on Injury and Fatality Trends Associated with Fixed-Site Amusement Rides”, for the International Association of Amusement Parks and Attractions (IAAPA), September 8, 2000 (filed with U.S. Consumer Product Safety Commission).

“Report of Heiden Associates on the Statistical Fairness of USDOC's 99.5 Percent Arm's-Length Test”, before the World Trade Organization Panel, *United States—Anti-Dumping Measures On Certain Hot-Rolled Steel Products From Japan* (DS184/1), June 27, 2000

"1997 Boating Exposure Survey Results," for the U.S. Coast Guard, October 5, 1999.

“A Scoping-Level Assessment of the Potential Burdens from Expansion of the CUI/IUR Reporting Requirements” for the Chemical Reporting Task Group of the Chemical Manufacturers Association, July 2, 1997.

“Four-Wheel ATV Operability Rates, Population, and Risk,” for the ATV Joint Defense Counsel, March 20, 1997 (filed with U.S. Consumer Product Safety Commission).

"Price Elasticity Estimates for Three Major Categories of Portable Two-Stroke Power Equipment", for the Portable Power Equipment Manufacturers Association, June 26, 1995 (filed with the U.S. Environmental Protection Agency).

"Portable Two-Stroke Power Equipment Emissions in the United States," for the Portable Power Equipment Manufacturers Association, February 26, 1993.

"Economic Analysis of Proposed Toxic Substances Control Act Premanufacture Notification Rule Amendments," for the Chemical Manufacturers Association, June 24, 1993 (filed with the U.S. Environmental Protection Agency).

“Evaluation of User Test Results” from a Power Tool User Safety Study, conducted for a Fortune 500 client, 1992.

"The Cost-Effectiveness and Small Business Impact of OSHA's Proposed Regulatory Standards for Methylene Chloride," for the Halogenated Solvents Industry Alliance, August 24, 1992 (filed with the U.S. Occupational Safety and Health Administration).

"Proposed Data Collection and Analysis for Mine Safety and Health Administration Diesel Particulate Rulemaking," for the American Mining Congress, July 8, 1992 (filed with the U.S. Mine Safety and Health Administration).

"Economic Analysis: Proposed Determination of Critical Habitat for the Northern Spotted Owl," for Plum Creek Timber L.P., October 11, 1991 (filed with the U.S. Department of the Interior, Fish and Wildlife Service).

"An Analysis of the Costs and Economic Impact of the Proposed CARB Emissions Standards for Portable Two-Stroke Power Equipment," for the Portable Power Equipment Manufacturers Association, December 6, 1990 (filed with the California Air Resources Board).

"Analysis of the Cost and Economic Impact of a 2 ppm Butadiene PEL on Butadiene Producers," for the Chemical Manufacturers Association, September 1990 (filed with OSHA).

"A Study of Industry Compliance Costs under the Final Comprehensive Assessment Information Rule," for the Chemical Manufacturers Association, December 14, 1989 (filed with EPA).

"The Cost for Crushed-Stone Using and Producing Industries to Comply with the Occupational Safety and Health Administration's Regulation Limiting Worker Exposure to Non-Asbestiform Actinolite, Tremolite, and Anthophyllite," National Stone Association, May 31, 1989.

"A Critique of CARB's Cost-Effectiveness Assessment of Reducing Photochemically Reactive Organic Compound Emissions From Underarm Products," Chemical Specialties Manufacturers Association and Cosmetic, Toiletry, and Fragrance Association, May 1988.

"Analysis of Potential 15-minute Short-Term Exposure Levels to Ethylene Oxide During Sterilizer Unloading in Industrial Medical Product Sterilization," for the Health Industry Manufacturers Association, February 22, 1988 (filed with OSHA and EPA).

"A Comparative Evaluation of the Meridian and Heiden Reports on Short-Term Occupational Exposure to Ethylene Oxide," for the Ethylene Oxide Industry Council of the Chemical Manufacturers Association, February 5, 1988 (filed with OSHA).

"An Estimate of Industry Costs For Compliance With Two Ethylene Oxide Workplace STEL Scenarios: Ethylene Oxide Product and Ethoxylation Plants," for the Ethylene Oxide Industry Council of the Chemical Manufacturers Association, February 5, 1988 (filed with OSHA).

Preliminary Risk Assessment for Riding All Terrain Vehicles (ATVs), April 1, 1987, submitted as supporting document in United States of America v. American Honda Motor Company, et.al.

International Tape/Disk Association, Economic Impact of Proposed EPA New Source Performance Standards for Volatile Organic Compound Emissions in the Magnetic Tape Industry, January 1987.

Chemical Manufacturers Association, An Estimate of Industry's Compliance Costs and Economic Impact for Compliance with Three Butadiene Workplace Proposed Exposure Limit Scenarios, January 1987.

Cosmetic, Toiletry, and Fragrance Association and Chemical Specialties Manufacturers Association, An Economic Impact Analysis of the California Air Resources Board's Proposed Regulation of Photochemically Reactive Organic Compound (PROC) Content for Deodorants/Anti-perspirants, January 1987.

Study of the Costs and Benefits of Alternative Programs for Respiratory Protection, for a confidential client for use in several asbestos-related litigation matters, Fall, 1986.

Chemical Manufacturers Association, Study of the Economic Impact of a Potential OSHA Workplace Standard for 4,4' Methyleneedianiline (MDA), December 1986.

"Some Additional Evidence on Comparative Safety for ATVs and Related Vehicles," for Schmeltzer, Aptaker & Sheppard and Somers, Hall, & Verrastro, December 12, 1986.

Formaldehyde Institute, various studies and reports of the economic impact of proposed OSHA, HUD, and EPA standards for affected supplier and user industries. Five studies between 1983 and 1986 submitted in formal regulatory proceedings at OSHA, HUD, and EPA.

Chemical Specialties Manufacturers Association, Impact of the Toxic Substances Control Act on Innovation in the Chemical Specialties Manufacturing Industry, 1982.

Audit and Critique of Selected Data Developed and Used by the Consumer Product Safety Commission in its ANPR on Chain Saws, July 6, 1982, Washington, D.C.

Audit and Effectiveness Evaluation of the White Rodgers Thermostat Control Recall, Report furnished to U.S. Consumer Product Safety Commission, Heiden, Pittaway Associates, Inc., Washington, D.C. 1982.

Office of Strategic Planning, U.S. Consumer Product Safety Commission, Alternatives for Reform of CPSC's Injury Data System, 1979.

Executive Office of the President, Health, Safety, and Environmental Impact of Exportation of Hazardous Products Abroad: Analysis and Proposed Policy, 1978.

Office of Strategic Planning, U.S. Consumer Product Safety Commission, Evaluation of the Injury and Economic Impact of the Poison Prevention Packaging Act, 1978.

Office of Strategic Planning, U.S. Consumer Product Safety Commission, Analysis of Consumer Product Safety Recall Effectiveness, 1978.

Office of Strategic Planning, U.S. Consumer Product Safety Commission, Alternative Policies for Indemnification of U.S. Firms Injured by Regulation, 1977.

Office of Strategic Planning, U.S. Consumer Product Safety Commission, Role of Product Liability in Safety Regulation, 1977.

Office of Strategic Planning, U.S. Consumer Product Safety Commission, Policy Options for CPSC Regulation of Carcinogens, 1977.

Product Profiles, U.S. Consumer Product Safety Commission, 1976-77. Series of published staff reports assessing value of injury prevention benefits and economic cost of potential regulatory actions for over 50 consumer products.

Office of Economic Policy and Planning, White House Office of Consumer Affairs, Consumer Impact of Alternative Strategies for Regulation of Toxic Substances, 1975 (one of many consumer impact analyses of regulatory proposals).

Office of Policy Planning and Evaluation, Federal Trade Commission, Input-Output Analysis of Potential Inter-firm Transactions Among Leading U.S. Manufacturers, 1973.

Office of Policy Planning and Evaluation, Federal Trade Commission, Annual Planning Report, 3 volumes, March 1973.

Office of Policy Planning and Evaluation, Federal Trade Commission, Competitive Characteristics of 600 U.S. Industry and Product Classes, 1973.

Office of Policy Planning and Evaluation, Federal Trade Commission, Economic Model Assessing Efficiency Losses from Monopoly for 150 U.S. Industries, 1972.

Office of Policy Planning and Evaluation, Federal Trade Commission, Evaluation of the Competitive Impact of the Robinson-Patman Price Discrimination Act, 1972.

Office of Policy Planning and Evaluation, Federal Trade Commission, Economic Impact of Vertical Mergers of Gasoline Marketers and Refiners, 1971.

Office of Policy Planning and Evaluation, Federal Trade Commission, Evaluation of the Competitive Performance of Nine Conglomerate Firms, 1970.

Office of Policy Planning and Evaluation, Federal Trade Commission, Evaluation of the Impact of Basing Point Pricing Practices on Major Shipping Industries, 1970.

TRIAL/DEPOSITION TESTIMONY (since January 2004)

Deposition testimony, product safety (fire hydrant recall design), McWane, Inc. d/b/a Clow Valve Co. v. Chevron USA et. al., Iowa District Court for Mahaska County, August 2008.

Deposition testimony, product safety (toilet risk and recall determination), Kohler v. Watts Water Technologies, District Court for Central District of California, April 2008.

Trial testimony, product safety (occupational injury risk), Green v. Ridge Tool, Superior Court, Middlesex County, New Jersey, September 2007.

Trial testimony, economic damages (savings & loan closure), First Annapolis Bancorp, Inc., v. United States, U.S. Court of Federal Claims, First Annapolis Bancorp, Inc., v. United States, March 2007.

Deposition testimony, product safety (crib recall), Stephens v. LaJobi Industries, Inc., et al, Panola County (Mississippi) Circuit Court, November 2006.

Deposition testimony, product safety (bunk bed hazard analysis). Fidurski, et al v. Guardian's Corporation, et al, District Court for Tarrant County, Texas, February 2006.

Deposition testimony, anti-trust (tying requirements for telecommunication equipment) RLH Industries v. SBC Communications, Superior Court of the State of California, July 2004.

Deposition testimony, anti-trust (attempted monopolization of automobile parts distribution) Nissan North America v. Europacific Parts International, U. S. District Court, Central District of California, May 2004.

Deposition and trial testimony, anti-trust (exclusive contract for hospital-based physician services), Carolyn Kochert, MD v. Greater Lafayette Health Services, et al, U.S. District Court, Hammond Division, Indiana, February 2004.

TESTIMONY BEFORE CONGRESS AND REGULATORY PROCEEDINGS (selected list)

“Statistical Perspectives on ATV Risk”, testimony before the U.S. Consumer Product Safety Commission (CPSC) on behalf of ATV manufacturers, March 22, 2005.

Statement on ATV risk issues, testimony before the CPSC West Virginia public field hearing, June 5, 2003.

Statement on Labeling Effectiveness Study in Connection with CPSC Five-Gallon Bucket Advance Notice of Proposed Rulemaking, before the CPSC, 16 C.F.R. Part 1307, 1994.

Testimony on costs and economic impact of proposed CARB emissions standards for portable two-stroke power equipment, before the California Air Resources Board, Sacramento, California, on behalf of Portable Power Equipment Manufacturers Association, 1990.

Statement of Edward J. Heiden, included in testimony of ATV Industry Representatives before the Commerce, Consumer, and Monetary Affairs Subcommittee of the Committee on Government Operations, House of Representatives, February 28, 1990.

Testimony on economic impact of CARB proposed regulation of photoreactive organic compound content in underarm products, before the California Air Resources Board, Sacramento, California, on behalf of Chemical Specialties Manufacturers Association, 1987.

Testimony before Occupational Safety and Health Administration, Hearing on Economic Impact of Proposed OSHA Rule to Reduce Airborne Workplace Formaldehyde Levels, on behalf of Formaldehyde Institute, 1986.