

# ANNUAL CONFERENCE

## prop.65clearinghouse

MONDAY, SEPTEMBER 24, 2018

JULIA MORGAN BALLROOM

3:45 to 4:45

### Choosing Consultants and Labs for Small and Medium Size Companies: Perils and pitfalls

Moderator: **Caroline Cox**, Staff Scientist, Center for Environmental Health  
Panel: **Anthony Cortez**, Shareholder, Greenberg Traurig  
**Mitzi Clark**, Partner, Keller and Heckman  
**Rob Scofield**, Vice President and Principal, GSI Environmental  
**Margaret Whittaker**, Managing Director & Chief Toxicologist,  
ToxServices

#### Description

This panel will discuss what issues to consider when hiring consultants and labs.

#### Bios

##### **Caroline Cox**

Staff Scientist, Center for Environmental Health

Caroline leads CEH's research on toxic exposures, identifying, analyzing and substantiating the scientific bases for our work to eliminate threats to children and others exposed to dangerous chemicals in consumer products. She has coordinated CEH's Proposition 65 enforcement and compliance work since 2006.

##### **Anthony Cortez**

Shareholder, Greenberg Traurig

Anthony is a regulatory attorney and business litigator with a focus on the representation of national consumer product companies and other businesses in compliance, commercial litigation, and government enforcement matters. Throughout California and nationally, Anthony

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advises and defends clients in legal, regulatory, and administrative proceedings involving numerous industries including food and beverage, supplement, drug, cosmetic, apparel, and industrial products, among others.

He is regularly involved in complex and high-dollar value litigation involving federal and state consumer protection and environmental laws, including CA's Proposition 65, false advertising law, FTC regulations, and other labeling or marketing laws. He has handled matters involving the FTC, FDA, the CA Office of Environmental Health Hazard Assessment (OEHHA), the CA Department of Pesticide Regulation (DPR), and the CA Department of Toxic Substances Control (DTSC).

Anthony also has wide-ranging experience representing government contractors at the state and federal level. He has counseled service providers, developers, general contractors and subcontractors in both state and federal court and before numerous public agencies. His experience includes representing both contractors and vendors in public contract disputes, bid protests and, when necessary, litigation.

## **Mitzi Clark**

Partner, Keller and Heckman

Mitzi Ng Clark practices in the area of food and drug law, with an emphasis on food, cosmetic, and drug packaging.

Ms. Clark advises domestic and international corporations on a wide range of regulatory issues, ranging from FDA premarket clearance requirements for food-contact materials and local and state regulations concerning plastics and chemicals, to good manufacturing issues and regulatory requirements for food, cosmetics, and animal feed. Ms. Clark's practice extends to the international arena, where she counsels clients on regulatory matters in jurisdictions such as Canada, the European Union, the Pacific Rim, Latin America, and the Middle East. She has made food-contact submissions in countries such as China, India, South Korea, and Indonesia.

While in law school, Ms. Clark served as the executive editor of the Temple Environmental Law and Technology Journal. Ms. Clark has a background in epidemiology and disease research.

Ms. Clark contributes to various trade publications, including Food Packaging Bulletin and FLEXO Magazine. She also is a frequent speaker on food-contact topics at various conferences in the U.S. and abroad.

## **Rob Scofield**

Vice President and Principal Toxicologist, GSI

Dr. Scofield is a Principal Toxicologist and Vice President with GSI Environmental Inc., and has more than 34 years of experience directing and conducting environmental assessment, remediation, and due diligence projects in the United States and abroad. Dr. Scofield has over 34 years of experience in performing human health risk assessments and exposure assessments for chemicals in the environment and consumer products.

He has managed or performed more than 500 human health risk assessments for chemicals in soil, water, and air. These evaluations included major Superfund sites, Resource Conservation and Recovery Act (RCRA) Sites, agricultural chemical sites, Brownfield redevelopment sites, petroleum spill sites, manufactured gas plant sites, and other waste disposal or spill sites. He has also performed and reviewed multi-pathway risk assessments for diesel exhaust emissions, municipal and hazardous waste incinerators, and air emissions from industrial process stacks and research laboratories under a variety of State, Federal, and international regulatory programs and in support of risk communication.

He has performed or peer reviewed risk assessments conducted in many countries in Europe, Asia, and South America. In Australia, he has performed or reviewed more than 20 risk assessments for contaminated land and air toxics sites in New South Wales, Victoria, South Australia, and Western Australia. Dr. Scofield is an approved risk assessor by the New South Wales government for risk assessments performed under their Site Auditor program. He has extensive experience performing critical evaluations of toxicology and epidemiology literature for setting exposure limits, characterizing dose-response relationships, and evaluating evidence for causal relationships between chemical exposures and adverse health effects. He has served on peer review committees for the U.S. Department of Defense and State of California.

In the area of product safety, Dr. Scofield has completed over 300 risk assessments involving the estimation of chemical exposure to consumer products or food. Many of these evaluations have been performed in support of assessments of compliance with California's Proposition 65. He has also performed risk assessments for clients in response to inquiries from the Food and Drug Administration (FDA) and product recalls ordered by the Consumer Product Safety Commission (CPSC). In addition, he has provided risk assessments in support of registration or regulation under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Consumer Product Safety Improvement Act (CPSIA), and other State-specific product safety laws, as well as EU directives. Dr. Scofield has also provided product safety evaluations on behalf of companies considering the purchase of the rights to manufacture specific products or product lines or considering voluntary product recalls.

Dr. Scofield has taught and lectured extensively on risk assessments at universities, for private industries, and for the California Bar Association. He was an active member of the committee that developed the ASTM Standard, Risk Based Corrective Action (RBCA) for Petroleum Release Sites. In support of the American Petroleum Institute (API) and the United States Environmental Protection Agency (USEPA) program to implement RBCA programs within State agencies, he taught basic toxicology, risk assessment, and risk-based corrective active action to several State agencies. He was part of a team that developed and taught a class in toxicology and risk assessment for project managers within the Department of Defense. Dr. Scofield was a member of the National Research Committee on Natural Attenuation. He has been an invited speaker at the Brownfields Asia Conference on two occasions and was invited to present a guest lecture on risk assessment to the Chinese Research Academy of Environmental Sciences in 2008. He was invited to participate in a special meeting of the Toxicology Section of the Royal Society of Chemists in the United Kingdom to participate in discussions on the topic of determining significant health risk. Dr. Scofield is frequently invited to speak on Proposition 65.

## **Margaret Whittaker**

### **Managing Director & Chief Toxicologist, ToxServices**

Dr. Margaret "Meg" Whittaker is the Managing Director and Chief Toxicologist of ToxServices LLC. Dr. Whittaker is one of the pioneers in the field of chemicals alternatives assessments, and is a key contributor to advancing these methods around the world. She is the technical lead on ToxServices projects for the ToxFMD Screened Chemistry™ Program, Proposition 65 safe harbor assessments, U.S. EPA's Safer Choice Program, Clean Production Action's GreenScreen® for Safer Chemicals, and Cradle to Cradle Certified™ Products Program. As project manager and technical lead, Dr. Whittaker has contributed to and/or managed the development of hundreds of chemical hazard and risk assessments, exposure assessments, and product-specific toxicology evaluations.

Dr. Whittaker is a Diplomate of the American Board of Toxicology who earned a Ph.D. in Toxicology from The University of Maryland, Baltimore and an M.P.H. in Environmental Health from The University of Michigan. Dr. Whittaker is a U.K./EuroTox Registered Toxicologist, as well as a Chartered Biologist and Fellow of the U.K. Royal Society of Biology.