

# ANNUAL CONFERENCE

## prop.65clearinghouse

MONDAY, SEPTEMBER 24, 2018

JULIA MORGAN BALLROOM

9:30 to 11:00

### OEHHA's New Warning Regulations: A Brave New World for Companies and Consumers

Moderator: **Fiona Smith**, Writer, Prop. 65 Clearinghouse and CEI Today

Panel: **Jeffrey Margulies**, Partner, Norton Rose Fulbright  
**Carol Monahan-Cummings**, Chief Counsel, OEHHA  
**Anthony Samson**, Senior Attorney and Policy Advisors,  
Arnold & Porter Kaye Scholer  
**Bill Verick**, President, Mateel Environmental Justice Foundation

#### Description

This panel will discuss OEHHA's new Warning Regulations.

#### Bios

##### Fiona Smith

Writer, CEI Today

Fiona is a writer for California Environmental Insider. Previously, she was a staff writer at the Los Angeles and San Francisco Daily Journal for more than eight years covering environmental and energy law. Fiona has also worked as a reporter for the Associated Press in Bolivia and Mexico and was a staff writer for the Whittier Daily News. Fiona holds a dual Master's degree in Journalism and Latin American Studies from UC Berkeley and a BA in English, with honors, from UC Berkeley.

##### Jeffrey Margulies

Partner, Norton Rose Fulbright

Jeff Margulies focuses on class action litigation and regulatory issues regarding consumer products. Jeff's practice involves a variety of state, federal and international environmental, product safety, chemical management and related regulatory issues, and encompasses compliance, enforcement and litigation.

Jeff's product compliance and enforcement practice includes:

- Product safety issues arising under the Consumer Product Safety Improvement Act, Federal Hazardous Substances Act, Flammable Fabrics Act, including compliance

OEHHA's New Warning Regulations

programs, product defect reporting, recalls, and defense of civil penalty claims;

- Compliance and enforcement defense under California Proposition 65;
- REACH, green chemistry and product stewardship requirements, pesticides, California formaldehyde ATCM, Toxics in Packaging Clearinghouse, and other state and local requirements.

Jeff defends manufacturers and retailers in consumer class action litigation matters relating to false advertising and product compliance issues. Jeff also has experience in advising clients with regard to environmental issues, including environmental.

## **Carol Monahan-Cummings**

Chief Counsel, OEHHA

Carol Monahan Cummings was appointed Chief Counsel at the Office of Environmental Health Hazard Assessment (OEHHA) in October 2003 and was reappointed by Governor Brown in December 2012. In this capacity, Ms. Cummings advises the Director, other Executive Office members, as well as OEHHA staff on all legal matters affecting the Office. Principal areas of practice include: Proposition 65 implementation, developing and amending various regulations, serving as counsel for the Carcinogen Identification Committee, the Developmental and Reproductive Toxicant Committee, and the California Biomonitoring Scientific Guidance Panel as well as serving as liaison to the Attorney General's Office for all lawsuits where OEHHA is a party.

Prior to coming to OEHHA Ms. Cummings served as an Assistant General Counsel for the California Environmental Protection Agency between September 2001 and October 2003. She was primarily responsible for providing legal support for the Environmental Justice program, legal advice concerning ethics and personnel issues for the Agency as well as for coordinating cross-media enforcement task forces, investigations and related litigation.

Before coming to Cal/EPA, Ms. Cummings was a prosecutor with Sacramento County where she prosecuted criminal and civil environmental enforcement cases including illegal hazardous waste transportation, storage and disposal cases; and water and air pollution cases.

Ms. Cummings received her law degree from Empire College School of Law in Santa Rosa, California where she graduated Magna Cum Laude in 1995.

## **Anthony Samson**

Senior Attorney and Policy Advisor, Arnold & Porter Kaye Scholer

Anthony Samson is a Senior Attorney/Policy Advisor for Arnold and Porter LLP. Anthony is a registered California lobbyist in Sacramento, where he advocates for companies and organizations before the California Legislature, the Governor's Office, and regulatory agencies on a broad range of issues, with a focus on environmental, chemical, hazardous waste, water, and food and agricultural policy.

Prior to joining Arnold and Porter, Anthony was an environmental lobbyist at the California Chamber of Commerce, the largest business advocacy organization in the State of California with nearly 14,000 member companies. As the lead industry advocate for Proposition 65 issues, Anthony spearheaded and managed one of the largest business coalitions ever assembled to engage in California's nearly three-year regulatory process to substantially revise the Proposition

65 warning regulations. Anthony also continues to represent CalChamber in his new role at Arnold and Porter regarding California's recent proposals to reduce the long-established lead threshold under Proposition 65 and associated proposals.

Before joining the CalChamber, Anthony was an environmental litigator at Harrison, Temblador, Hungerford, and Johnson LLP in Sacramento.

Anthony earned a B.A. from the University of California at Santa Barbara, and a J.D. from Michigan State University College of Law, where he served as the articles editor of the Michigan State Law Review.

**Bill Verick**

President, Mateel Environmental Justice Foundation

William Verick is the CEO of the Mateel Environmental Justice Foundation and represents Mateel in Proposition 65 enforcement actions.

Mateel has been a Proposition 65 citizen enforcer since 1993. Some of the industry-wide enforcement actions that Mateel has brought include, lead in maple syrup, galvanized plumbing parts and in the insulation on electrical wiring. Settlements of these actions have led, across broad segments of these industries, to the reformulation of these products so as to reduce lead content.

Bill has also recently acted as a mediator in an industry-wide enforcement action.