

ANNUAL CONFERENCE prop.65clearinghouse

MONDAY, SEPTEMBER 19, 2022

JULIA MORGAN BALLROOM

1:45 to 2:45 **What Guidance from OEHHA Would be Helpful to Stakeholders on Topics Such as Averaging, Measurements and Background Levels**

Moderator: **Margaret Whittaker**, Managing Director and Chief Toxicologist, ToxServices
Panel: **Caroline Cox**, Retired Senior Scientist, Center for Environmental Health
 Nathaniel Kane, Executive Director, Environmental Law Foundation
 Trent Norris, Partner, Arnold & Porter Kaye Scholer
 Rob Scofield, Vice President and Principal Toxicologist, GSI Environmental

Bios

Margaret Whittaker

Managing Director and 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 an accomplished human health risk assessor, chemical hazards assessor, and alternatives assessor. She has worked at ToxServices since its founding in 2003. Dr. Whittaker performs quantitative exposure and risk assessments for projects including California Proposition 65 safe harbor assessments, medical device extractables and leachables assessments, consumer product safety assessments, and cosmetics/personal care product assessments, among others. She excels at assessing biocompatibility of medical devices and drug/device combination products. She also performs chemical hazard assessments and alternatives assessments to support the selection of safer chemicals and technologies. 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

What Guidance from OEHHA Would be Helpful

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. Meg has served as an officer on multiple SOT Specialty Section and Regional Chapters, including the Metals Specialty Section, Mixtures Specialty Section, Sustainable Chemicals for Contemporary Toxicology (SCCT) Specialty Section, and the National Capital Area Chapter of SOT. She has served as an SOT Roving Reporter since 2014. She is currently President of the SOT SCCT and is a member of the SOT Nominating Committee.

Caroline Cox

Retired Senior Scientist, Center for Environmental Health

Caroline Cox was the research director and senior scientist at the Center for Environmental Health from 2006 until her retirement in 2020. Her primary responsibility was to provide scientific support for Proposition 65 enforcement litigation.

Nathaniel Kane

Executive Director, Environmental Law Foundation

Nathaniel Kane was named Executive Director of ELF in 2020. Nat joined ELF as a staff attorney in 2014.

At ELF, Nat has developed the organization's environmental justice practice, working on issues surrounding agricultural pollution of the state's drinking water. His other practice areas include protecting water quality and flows for salmonid restoration, public access to public records and data, and enforcing right to know and consumer protection laws.

Previously, he completed a two-year environmental law fellowship at Shute, Mihaly & Weinberger LLP. There, he represented local governments and nonprofit groups in land use and environmental litigation, including regulatory takings, CEQA, and eminent domain cases.

Nat graduated from New York University School of Law in 2011. While at NYU, he interned at the Natural Resource Defense Council's Santa Monica and New York offices, and at Earthjustice's Seattle office.

Prior to law school, Nat worked in the energy field in Portland, Oregon, consulting on cases targeting market manipulation in the electricity markets. He graduated from the University of Pennsylvania in 2006 with a B.A. in environmental studies and politics, philosophy, and economics, and was president of the ski team.

Nat spends his spare time parenting his baby daughter, climbing, and backcountry skiing.

Trent Norris

Partner, Arnold & Porter Kaye Scholer

Trent Norris is one of the foremost consumer product attorneys in the country and co-leader of the firm's Consumer Products and Retail Sector. His litigation and counseling practice involves some of the most significant challenges for manufacturers and retailers of everyday products and services.

Mr. Norris litigates complex scientific and technical disputes involving consumer protection, advertising, environmental, product safety, and food and drug law, with a particular emphasis on the unique requirements of California law. His more than 25 years of experience with regulators, prosecutors, activists, bountyhunters, and plaintiffs lawyers also provide clients with practical perspectives on litigation avoidance.

His practice involves diverse products, technologies, and industries, including foods, beverages, dietary supplements, cosmetics, hospitality, medical devices, electronics, vehicles, drugs, and agriculture. He often represents trade associations and joint defense groups in strategic counseling, litigation, and representation before regulatory agencies.

Common issues include preemption, commercial speech, interstate commerce, citizen enforcement, jurisdiction, and class action requirements. Because these issues often cannot be resolved at the trial court level, Mr. Norris has significant appellate experience. He has argued a dozen cases before the California Court of Appeal, the California Supreme Court, and the Ninth Circuit. Common opponents include activist and environmental groups, the California Attorney General, California District Attorneys, and plaintiffs'

lawyers.

Mr. Norris has advised and defended hundreds of companies regarding California's unique toxics and labeling law, Proposition 65, and California's expansive consumer protection laws. Chambers USA (2012) notes that he "is renowned as one of the region's leading experts in toxic tort and Proposition 65 matters. Clients particularly laud his ability to focus on the issues at the core of the problems they take him."

Mr. Norris is a founding partner of the firm's San Francisco and Silicon Valley offices and has served on its Policy, Compensation, and Lateral Committees. He is active in the firm's diversity and inclusion initiatives and is a member of the firm's LGBT affinity group.

Mr. Norris is registered as a lobbyist before the California Environmental Protection Agency and its sub-agencies. He served as a legislative aide to a US Senator and as an Editor of the *Harvard Law Review*.

Rob Scofield

Vice President and Principal Toxicologist, GSI Environmental

Dr. Scofield is a Principal Toxicologist and Vice President with GSI Environmental, Inc. and has more than 40 years of experience directing and conducting health risk assessments for product safety as well as environmental remediation and due diligence projects for contaminated land and groundwater sites; and air toxics emissions in the United States and internationally. He also has extensive experience teaching risk assessment, providing risk communication services, and serving as a third-party, neutral reviewer of risk assessments for various government and private parties. He has performed more than 500 exposure estimates in support of Proposition 65 compliance evaluations. These evaluations have included developing and directing exposure testing, submitting products for laboratory testing, and estimating exposures based on the test results. He is often invited to speak on risk assessment in general and on topics related to Proposition 65 in specific. He has taught the "Proposition 65 101" pre-conference course several times.

The sources of emissions for the environmental risk assessments he has performed include uncontrolled sources (e.g., oil well fires, Superfund sites, fugitive dust) and controlled sources (e.g., incinerators and fuel combustion with mitigation measures, laboratory emissions, ethylene oxide sterilization facilities). The evaluations addressed both criteria air pollutants and other chemical-specific emissions. Depending on the availability of data and regulatory requirements, exposure estimates for these evaluations have been based on modeled emissions and dispersion, measured emissions and ambient air concentrations, or a combination of these approaches. Also depending on the site-specific conditions and regulatory requirements, some risk assessments addressed inhalation only and others included the evaluation of multiple pathways of exposure. Dr. Scofield has also helped develop and review chemical-specific exposure limits based on data from toxicology and epidemiology studies.

Dr. Scofield earned a D.Env. in Environmental Science and Engineering and M.P.H. in Environmental Health Management from UCLA. He was a post-doctoral researcher in the Department of Toxicology at UC Davis. He has taught and lectured extensively on risk assessment at universities, for private industries, and for the California Bar Association and the US Navy. He was member of the NRC committee on Natural Attenuation (addressed the issue of vapor migration), the ASTM Standard, Risk Based Corrective Action (RBCA) for Petroleum Release Sites committee, and the ITRC committee on Total Petroleum Hydrocarbons. He was invited by the CalEPA to serve as a peer reviewer of their risk assessment procedures and served as a third-party reviewer for several Department of Defense risk assessments.