

ANNUAL CONFERENCE prop.65clearinghouse

MONDAY, AUGUST 31, 2026

JULIA MORGAN BALLROOM

Breakout Session

4:00 to 5:00

State vs. Federal Chemical Rules: Multi-State Momentum, Preemption, and Compliance

Moderator: **Malcolm Weiss**, Partner, Hunton Andrews Kurth LLP

Panel: **Alexander Avery**, Associate, Steptoe LLP

Joseph Daniels, Director, Chemical Management,
American Chemistry Council

Mike Easter, Principal, EnSIGHT

Avinash Kar, Senior Director, Toxics, Environmental
Health, NRDC

Marth Sandy, Chief, Reproductive and Cancer Hazard
Assessment Branch, OEHHA

Bios

Malcolm Weiss

Partner, Hunton Andrews Kurth LLP

Malcolm has developed a sophisticated practice covering a wide variety of environmental laws and statutes, and is always ready to assist clients, whether it be with air quality and product/chemical safety or environmental auditing and due diligence. He has gained a broad perspective of the numerous challenges facing companies operating in California, developing particularly in-depth knowledge of California's air quality laws, Proposition 65 and the California Environmental Quality Act (CEQA), as well as valuable insights on climate change and contaminated properties issues specific to California's legal market.

Malcolm's clients appreciate his business-savvy approach to helping them secure permitting to build or modify facilities, navigate rulemaking processes, understand and comply with complex regulatory programs, conduct emissions trades (including carbon), challenge agency enforcement actions and defend against citizen suits. His advice to clients helps them resolve disputes, understand environmental laws and plan confidently for the future.

Malcolm began his career at the US Environmental Protection Agency's headquarters in Washington, DC. He left EPA to co-found AER*X, the nation's first emissions trading consulting and brokerage firm assisting clients to monetize environmental credits. Subsequently, Malcolm opened AER*X/RMT's (an environmental and engineering consulting firm) first California office to more effectively and efficiently service client needs.

State vs. Federal Chemical Rules

Alexander Avery
Associate, Steptoe LLP

Alexander Avery is a trial lawyer at Steptoe LLP who represents clients in complex commercial, consumer, and regulatory enforcement matters. He defends consumer-product companies in Proposition 65 matters and was a member of the trial team that secured a complete defense judgment in 2024 finding that no warning was required for rice products, and obtained dismissal with prejudice of all claims concerning spice products following a two-week trial that same year. He has also tried four jury trials to verdict and four arbitrations to final award.

Joseph Daniels
Director, Chemical Management, American Chemistry Council

Joe joined the American Chemistry Council (ACC) in 2023 as Director of Chemical Management. In this role, Joe works on a broad portfolio of chemical management and regulatory issues that impact chemical manufacturers, including the Toxic Substances Control Act (TSCA) and state chemical management programs such as Prop 65. Prior to joining ACC, Joe served for nearly eight years as a regulatory reviewer in the U.S. EPA's Office of Pesticide Programs and also spent two years as a Peace Corps Volunteer in Nicaragua. Joe has a BA in Environmental Studies from Illinois Wesleyan University and a Master's of Natural Resources from Virginia Tech.

Mike Easter
Principal, EnSIGHT

Mike Easter is a Principal at EnSIGHT and provides toxicology and risk assessment support. He has been involved with Proposition 65 since the late 1980s and assists clients with regulatory compliance and litigation defense.

He has also represented clients who have successfully obtained Safe Use Determinations for crystalline silica in pet litter, for di-isononyl phthalate (DINP) in vinyl flooring products, PVC roofing membrane, and modular vinyl carpet tiles, and bisphenol A in polycarbonate eyewear.

Avinash Kar
Senior Director, Toxics, Environmental Health, NRDC

Avi Kar joined NRDC in 2007 and serves as the Senior Director for Toxics. He previously directed state health policy, working with NRDC teams and external coalitions to pass key legislation and advance policies to reduce exposures to toxics, with a focus on California, New York, and Maryland. Since joining NRDC, Kar's work has spanned toxics and food issues, covering toxics in consumer products, regulation of harmful chemicals, antibiotic use in livestock, hazardous air pollutants, and California drinking water standards. He has played an instrumental role in the drafting and passage of many precedent-setting state laws from the phase out of toxic flame-retardant chemicals in furniture, children's products, and mattresses in cornerstone states to the phase out of PFAS in firefighting foam, food packaging, and textiles. Before joining NRDC, Kar worked at the Center on Race, Poverty & the Environment. He received his bachelor's degree from Williams College and his JD from the University of California's Hastings College of the Law. He is based in San Francisco.

Martha Sandy
Chief, Reproductive and Cancer Hazard Assessment Branch, OEHHA

Dr. Sandy is Chief of the Reproductive and Cancer Hazard Assessment Branch in the California Environmental Protection Agency's (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA). Dr. Sandy's Branch conducts scientific evaluations to identify, assess, and characterize cancer and reproductive hazards, and, together with California's Departments of Public Health and Toxic Substances Control, implements the State's chemical biomonitoring program. Prior to joining OEHHA, Dr. Sandy's research included investigations of biochemical and molecular mechanisms of carcinogenicity and cytotoxicity, and as well as biochemical and genetic susceptibility factors in Parkinson's disease. She has served on scientific committees for the National Toxicology Program, the U.S. Environmental Protection Agency, the National Academy of Sciences, and the International Agency for Research on Cancer. Dr. Sandy has a Ph.D. and an M.P.H. in Environmental Health Sciences, with an emphasis in Toxicology, from the University of California, Berkeley's School of Public Health.