

ANNUAL CONFERENCE

prop.65clearinghouse

MONDAY, SEPTEMBER 23, 2019

JULIA MORGAN BALLROOM

12:45 to 1:45

Lunch Program:

What's New with TSCA and How Does It Intersect with California's Chemical Regulations

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

Panel: **Michael Boucher**, Partner, Crowell & Moring

Avinash Kar, Senior Attorney and Director of State Health
Policy, NRDC

Karl Palmer, Acting Deputy Director, Safer Products and
Workplace Program

Karyn Schmidt, Senior Director, American Chemistry Council

Bios

Fiona Smith

Writer, Prop. 65 Clearinghouse and 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.

Michael Boucher

Partner, Crowell & Moring

Michael Boucher is a partner in the Environment & Natural Resources Group at Crowell & Moring LLP in Washington, D.C. His practice focuses on chemical and pesticide product regulation, compliance, and enforcement and includes household and consumer products, biological and microbial products, and products of biotechnology and nanotechnology.

What's New with TSCA

Michael has advised manufacturers, importers, processors, distributors, and users of industrial chemical substances, alone, in mixtures, and as part of articles, about every aspect of regulation, compliance, and enforcement under Title I of the Toxic Substances Control Act (“Core TSCA” or the “New and Existing Chemicals Program”). He also has advised companies about the relationship between TSCA and other federal requirements, including the Federal Insecticide, Fungicide, and Rodenticide Act, the Federal Food, Drug, and Cosmetic Act, the Federal Hazardous Substances Act, the Controlled Substances Act, and the Chemical Facility Anti-Terrorism Standards.

Michael has represented companies in many core TSCA inspections and related enforcement actions by EPA Headquarters and EPA Regions 2, 4, 5, and 9. He has voluntarily disclosed to EPA and successfully obtained both civil and criminal penalty mitigation for hundreds of intentional and unintentional violations of core TSCA under the Audit Policy, the New Owner Audit Policy, and the Small Business Compliance Policy. And he has helped companies respond to subpoenas for information under section 11(c) of TSCA and to citizens’ civil actions and citizens’ petitions under sections 20 and 21 of TSCA, respectively.

Michael has conducted numerous voluntary core TSCA nomenclature, compliance, and systems audits, including both chemical manufacturing companies and companies that are not primarily chemical manufacturers. And he has provided product regulatory due diligence for pesticide and chemical company acquisitions, divestitures, joint ventures, leveraged buyouts, restructurings, and spin-offs.

In 2018, Michael was named a BTI “Client Service All-Star.” He received his A.B. degree from the College of Arts and Sciences at Georgetown University and his J.D. degree from the Georgetown University Law Center.

Avinash Kar

Senior Attorney and Director of State Health Policy, NRDC

Avinash Kar’s legal advocacy is focused on reducing the use of antibiotics in livestock and the presence of pesticides and toxic chemicals in consumer products and the environment. He has also worked extensively on issues pertaining to air pollution, as well as other aspects of environmental health including water pollution and reducing environmental impacts in textile supply chains. Prior to joining NRDC, Kar worked for the Center on Race, Poverty & the Environment, where he concentrated on air pollution from factory-farm emissions with a focus on California’s Central Valley. During that time, he also served on the California Air Resources Board’s Environmental Justice Advisory Committee and advised the board on AB 32, California’s historic law slashing greenhouse gas emissions. 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.

Karl Palmer

Acting Deputy Director, Safer Products and Workplace Program

Karl Palmer works in the Department of Toxic Substances Control’s (DTSC) Safer Products and Workplaces Program where he is responsible for DTSC’s efforts to implement the department’s Safer Consumer Products regulations. These regulations establish a process to identify and prioritize hazardous chemicals in consumer products and to establish a process for evaluating options for safer alternatives. Karl’s team also administers DTSC’s other toxics in products laws and helps lead the Department’s efforts to expand pollution prevention practices, green chemistry strategies and sustainability initiatives throughout California.

Prior to his current job, Karl lead DTSC’s Regulatory and Program Development Branch, providing technical support and policy development and adopting regulations for hazardous waste classification, recycling, household hazardous waste, electronic waste and universal wastes. Mr. Palmer has worked in each of DTSC’s core programs performing a wide variety of work including site assessments and inspections of hazardous waste sites, conducting investigations at state superfund sites, cleaning up former methamphetamine labs and coordinating HAZMAT support at major chemical spills and natural disasters.

Mr. Palmer holds a B.S. in Resource Sciences from the University of California, Davis.

Karyn Schmidt

Senior Director, American Chemistry Council

Karyn M. Schmidt is a Senior General Counsel at the American Chemistry Council (ACC). Ms. Schmidt provides legal and policy advice to the Plastics Division of ACC and she also supports ACC's Value Chain Outreach committee, which focuses on value chain efforts to improve sustainability of products and services through the development and deployment of sustainability standards and initiatives. With the Value Chain Outreach activity as well as legal support to various chemical and plastics-specific groups, she has focused on the building and construction, children's products, electronics, plastics packaging markets and the retail sector.

Ms. Schmidt has been with the American Chemistry Council since 2000 and has served a wide range of ACC's chemical-specific and plastics-specific products groups. She has extensive experience supporting integrated strategic efforts to prevent and challenge unwarranted state and federal legislative and regulatory restrictions on chemicals and plastics, including preparing and delivering comments and testimony as well as litigation management. She has also worked to create private sector solutions to a variety of sustainability challenges in lieu of regulation.

Before joining ACC in 2000, Ms. Schmidt was in private practice in Charleston, West Virginia, where her work included chemical regulatory matters and environmental and commercial litigation. Ms. Schmidt received her J.D. from the College of William and Mary, Marshall-Wythe School of Law in 1991, and her B.S. from James Madison University in 1988 magna cum laude with distinction.