

# ANNUAL CONFERENCE

## prop.65clearinghouse

MONDAY, SEPTEMBER 23, 2019

JULIA MORGAN BALLROOM

10:45 to 11:45

### From Raw Materials to the Store's Shelf: How Can You Be Sure You're Prop. 65 Compliant

Moderator: **David Roe**, Principal, Law Offices of David Roe

Panel: **Tom Lewandowski**, Principal, Gradient

**Michael Kirschner**, President, Design Chain Associates

**Jeff Margulies**, Partner, Norton Rose Fulbright

**Renee Wasserman**, Shareholder, Rogers Joseph O'Donnell

#### Bios

##### **David Roe**

Retired, Law Offices of David Roe

David Roe was a Senior Attorney for the Environmental Defense Fund for 25 years, during which he drafted Proposition 65. He was educated at Yale, Oxford, and Yale Law School.

##### **Tom Lewandowski**

Principal, Gradient

Dr. Lewandowski is a toxicologist and chemist working in Gradient's Seattle, Washington office. He has over 30 years of experience in the areas of product safety evaluation, pharmacokinetics, metals toxicology, and developmental toxicology. He has helped numerous clients respond to 60-day notices and avoid receiving such notices by understanding the likelihood that different materials in their products contain Prop65-listed chemicals. He has also developed Proposition 65 safe harbor limits and designed supply chain chemical testing programs. Tom is board certified as a toxicologist in both the US and Europe. He is an affiliate faculty member at the University of Washington School of Public Health where he lectures on toxicology and risk assessment. He is the author of numerous publications related to risk assessment methods (in particular the use of computer models).

From Raw Materials to the Store's Shelf

**Michael Kirschner**  
President, Design Chain Associates

Mike Kirschner is an environmental and health compliance, safety and performance expert providing advice and expertise to manufacturers in a variety of industries. Mike helps manufacturers understand, monitor and assess environmental regulations, market requirements, risks and opportunities around the world as they impact their products, including: substance, e-waste, energy efficiency, climate change, and social requirements that impact product design and the supply chain.

He also helps manufacturers define, implement and troubleshoot internal product lifecycle management systems and supply chains to reduce business risk while improving the environmental performance of their products.

Mike was a member of the California EPA Department of Toxic Substance Control's original Green Ribbon Science Panel, which advised on development of the Safer Consumer Products Regulations and is currently serving on the American Chemical Society Green Chemistry Institute Advisory Board. Mike founded product lifecycle and environmental consultancy Design Chain Associates, LLC (DCA) in 2001. Before DCA, Mike spent 20 years in engineering and engineering management roles in the electronics industry at manufacturers including Intel and Compaq. Mike has a BS in electrical engineering from Worcester Polytechnic Institute.

**Jeff 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 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.

**Renee Wasserman**  
Shareholder, Rogers Joseph O'Donnell

Ms. Wasserman is chair of the firm's Retail Industry Trade Regulation Practice and a member of the Environmental and Complex Commercial Litigation Practice Groups.

Ms. Wasserman's litigation practice focuses on defense of environmental and regulatory matters, including unfair competition, consumer protection, and Proposition 65 litigation for the retail industry, including national retailers and their manufacturers and suppliers. She has litigated individual and multi-party cases, consumer class actions, and numerous private and public enforcement actions brought under state and federal consumer and environmental laws. Ms. Wasserman regularly negotiates with regulatory and enforcement agencies on behalf of the companies she represents and has defended cases brought by public interest groups, the California Attorney General, District Attorneys and City Attorneys throughout the State.

Ms. Wasserman advises clients on regulatory compliance and business practices, including compliance with Proposition 65, hazardous waste laws, weights & measures, web access, and energy efficiency laws and has frequently represented client stakeholders in the State's regulatory process.

Ms. Wasserman has tried cases to verdict before judges and juries in both state and federal courts and has argued before most of the California Courts of Appeal and the California Supreme Court. She is an associate member of the California Grocers Association and California Retailers Association and has taught trial advocacy skills as a faculty member of the National Institute for Trial Advocacy, Northeast Region. She is admitted to the United States Supreme Court and is a member of the State Bar's Antitrust and Unfair Competition Law Section.