

ANNUAL CONFERENCE prop.65clearinghouse

MONDAY, SEPTEMBER 23, 2019

JULIA MORGAN BALLROOM

9:30 to 10:30

Warnings: Whats Working, What's Not

Moderator: **Carol Monahan-Cummings**, Chief Counsel, OEHHA

Panel: **Rachel Michelin**, President, California Retailers Association
Judith Praitis, Partner, Sidley Austin
David Roe, Retired, Law Offices of David Roe
Will Wagner, Associate, Greenberg Traurig

Bios

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.

Warnings: Whats Working, What's Not

Rachel Michelin

President, California Retailers Association

Rachel Michelin is President of the California Retailers Association (CRA), the most significant voice representing the retail industry in California's public policy arena, at the State Capitol, in City Halls and with regulatory bodies across the state. Michelin oversees a diverse board and membership representing retail throughout the state and nation from small brick and mortar, to franchises to national retailers and on-line merchants.

Rachel has led associations for over 20 years with visionary leadership including strategic growth and engagement, increasing revenue, developing partnerships, statewide influence and public awareness. Rachel has demonstrated success through a strong bipartisan leadership network she has built with key influencers in the public and private sectors.

Rachel was reappointed by Governor Brown to the State Board of Optometry, where she has served since 2014. Prior to California Retailers, Michelin led California Women Lead as Chief Executive Officer and Executive Director since 2002. She also served as Program and Policy Director for the California Elected Women's Association for Education and Research (CEWAER), Communications Director and District Director for members of the State Assembly.

Rachel is a Senior Fellow of the American Leadership Forum - Mountain Valley Chapter and received her bachelor's of arts from the California State University, Fullerton majoring in Communications - Journalism and minor in Political Science.

Judith Praitis

Partner, Sidley Austin

Judith Praitis, a partner in Sidley's Los Angeles office, is head of the West Coast Environmental practice group and a global co-leader of the firm's Environmental practice. Ms. Praitis has broad experience counseling clients on environmental transactional issues and on air, water and waste management permitting, compliance, release reporting and enforcement issues under California and federal law. She has helped clients develop and implement environmental management systems, audit protocols and product regulatory compliance schemes, including under Proposition 65 and many California product-specific or chemical-specific regulatory regimes, including California's Green Chemistry initiative. Ms. Praitis also routinely advises clients on compliance with and, if necessary, litigation of, Proposition 65 matters, particularly those involving the food and supplement industries and other consumer products. Her Proposition 65 representations have included some of the most significant and complex matters, including several where the Office of the Attorney General of the State of California was the prosecutor.

A particular area of focus is hazardous waste management and site remediation, including the redevelopment of oil field properties and military bases undergoing conversion to civilian uses, and can assist in the legal aspects of brownfields redevelopment. Her client list spans a variety of industries including aerospace, petroleum, shipping, chemicals, hotels, food products, real estate development, electronics, solar energy, cement, metal finishing, furniture and healthcare.

Ms. Praitis has appeared before SCAQMD and BAAQMD and has dealt with various Regional Water Quality Control Boards, the State Water Resources Control Board and CalEPA DTSC. She has worked with all of the major California regulatory authorities, from the Coastal Commission to Fish & Game and with the Board of Equalization on environmental taxation. Ms. Praitis has resolved CARB enforcement matters over the years, particularly concerning CARB's VOC consumer product content regulations.

At the federal level, she provides RCRA compliance counseling, Superfund case management, stormwater compliance, EPCRA matters and release reporting. Ms. Praitis has participated in the federal rule-making process, including formal administrative and legal challenges to EPA rules and has helped negotiate consent decrees and resolve federal enforcement matters.

The recipient of numerous accolades, Ms. Praitis was included in the 2012, 2014–2020 editions of The Best Lawyers in America in Environmental Law. She was also listed as a leading lawyer in Environmental Law in the 2012–2017 editions of The Legal 500 and in the 2012–2019 editions of Chambers USA. Ms. Praitis earned her J.D., cum laude, from Harvard Law School and received an A.B. in political science, with honors

and Phi Beta Kappa, from the University of Chicago.

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.

Will Wagner

Associate, Greenberg Traurig

Will Wagner focuses his practice in the areas of consumer product defense and regulatory enforcement litigation, including California's unique Proposition 65, California regulatory actions pertaining to labeling and emissions of Volatile Organic Compounds (VOC) from consumer products, and actions under the Consumer Legal Remedies Act (CLRA) and Unfair Competition Law (UCL). Will also handles writ actions related to administrative decisions and procedures, along with commercial disputes and accessibility cases under the Americans With Disabilities Act.

In addition to litigation, Will counsels clients on a variety of compliance issues including:

- Proposition 65 matters involving California's Office of Environmental Health Hazard Assessment (OEHHA);
- VOC emission and labeling matters involving the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD);
- CARB and Environmental Protection Agency (EPA) regulations pertaining to formaldehyde in composite wood products; and various other consumer product regulations.

He is admitted to practice in California, Arizona, and Nevada, handling matters before administrative agencies, trial courts, and appellate matters before state supreme courts and the Ninth Circuit Court of Appeals.