

# ANNUAL CONFERENCE prop. 65 clearinghouse

MONDAY, SEPTEMBER 18, 2023

JULIA MORGAN BALLROOM

10:00 to 11:00

## What Statutory Changes Would Improve the Operation and Effectiveness of Prop. 65? The View from the Plaintiffs

## What Statutory Changes Would Improve Proposition 65?

Moderator:  
Panel:

**Jeff Margulies**, Partner, Norton Rose Fulbright  
**Rachel Doughty**, Founder and Shareholder, Greenfire Law  
**Laralei Paras**, Partner, Seven Hills LLP  
**Mark Todzo**, Partner, Lexington Law Group  
**Bill Verick**, CEO, Mateel Environmental Justice Foundation

### Bios

#### 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.

### **Rachel Doughty**

Founder and Shareholder, Greenfire Law

Rachel S. Doughty has practiced environmental and land use law in California since 2008. In that time she has represented both plaintiffs and defendants in proposition 65 matters. More generally, Rachel's practice includes advising clients and litigating under public land management, and environmental statutes, as well as the California Environmental Quality Act and National Environmental Policy Act. She also helps clients gain access to information using FOIA and California's Public Records Act and assists with legislative and regulatory drafting from time to time.

Before Greenfire Law, Rachel worked at Paul Hastings, LLP; before that, she practiced in the Southeastern United States at Gary Davis and Associates and WildLaw. She earned her law degree from University of Virginia in 2004 and also has an M.S. in Natural Resources (with a minor concentration in biogeochemistry) from Cornell University, and a B.S. in biochemistry from the University of Tennessee. Prior to law school, she was a fellow at the U.S. Environmental Protection Agency in the Wetlands Division.

In addition to her work as a litigator, Rachel is a policy advocate in the areas of plastic pollution reduction, consumer protection, and forest management.

### **Laralei Paras**

Partner, Seven Hills LLP

Laralei Paras is a Partner at Seven Hills LLP with 20 years' experience in environmental advocacy. After earning a Bachelor of Science degree in Conservation and Resources Studies from the College of Natural Resources at U.C. Berkeley, she earned her juris doctor and environmental law certificate at the Northwestern School of Law at Lewis and Clark College.

Since 2002, her practice has concentrated on the enforcement of Proposition 65 on behalf of non-profits and citizen enforcers.

### **Mark Todzo**

Partner, Lexington Law Group

Since 1993, Mark N. Todzo has devoted his practice of law to the representation of plaintiffs in consumer and environmental protection litigation. In that time, he has represented aggrieved individuals, nonprofit organizations and public entities in litigation that has curbed abusive and illegal corporate practices. Mr. Todzo's varied work has, among other things, helped to remove toxic chemicals from the environment, increased staffing in nursing homes, reformed deceptive advertising practices and recovered millions of dollars for the benefit of consumers. Mr. Todzo has argued cases in state and federal trial courts as well as courts of appeal and the California Supreme Court.

Mr. Todzo has focused much of his legal practice on eliminating and reducing toxic chemicals in consumer products as well as the emission of toxic chemicals and individuals' exposure to such chemicals. He has been a tireless advocate in cases

seeking to remove lead from a host of children's products and the environment.

Mr. Todzo has served as class counsel in numerous class action lawsuits as well as liaison counsel in complex coordinated actions. He was lead counsel in a case that resulted in the removal of over 500,000 pounds of lead per year from California roadways and has represented classes of individuals in a variety of different cases including a class of purchasers of fake organic products sold by Hain Celestial and a class of Comcast subscribers who were blocked from using peer-to-peer file sharing programs in breach of their contracts.

Mr. Todzo is currently working on Proposition 65 cases seeking to reduce or eliminate the use of BPA in polyester socks and other products and "forever" PFAS chemicals from groundwater surrounding industrial facilities. He was successful in obtaining a reduction in emissions of hexavalent chromium in Paramount, California and styrene from factories throughout southern California. He also played a leadership role in the litigation against Southern California Gas Company relating to the 2015 methane gas blowout in Aliso Canyon, obtaining one of the few seven figure Proposition 65 settlements.

Mr. Todzo joined the Lexington Law Group, LLP in 1998 and is a principal of the firm. Mr. Todzo received his law degree from Hastings College of the Law in 1993 and received an A.B. from Duke University in 1986. In addition to the practice of law, Mark enjoys rock and mountain climbing, running, and biking.

### **Bill Verick**

CEO, Mateel Environmental Justice Foundation

Bill Verick has been privately enforcing Proposition 65 since 1994. He has prosecuted and settled several industry-wide cases that helped set the standards for the amount of lead in the insulation on wiring, in the galvanizing solution on galvanized plumbing nipples and fittings, in maple syrup and the amount of dioxin-like chemicals in fish oil.

Bill also served as a mediator in a private enforcement action against the chocolate industry, the settlement of which developed the protocols used to determine how much lead could be in chocolate without requiring a Prop 65 warning.

Bill is currently prosecuting Prop 65 discharge-to-drinking water cases against a Ukiah gun club for lead-infused runoff into the Russian River, and against Pacific Bell, which has abandoned telephone cables containing 22 tons of lead on the bottom of Lake Tahoe.