

ANNUAL CONFERENCE

prop.65clearinghouse

MONDAY, SEPTEMBER 18, 2023

JULIA MORGAN BALLROOM

11:15 to 12:15 Lab Consolidation: Problems with
Conflicts of Interest,
Certification and Accreditation

Moderator:

Rick McNeil, Partner, Crowell & Moring

Panel:

Justin Burmeister, Director of Chemistry and
Business Innovation, Applied Technical
Services

Joseph Mann, Senior of Counsel, Lexington Law
Group

Dennis Raglin, Partner, Steptoe & Johnson

Margaret Whittaker, Managing Director and Chief
Toxicologist, ToxServices

Bios

Rick McNeil

Partner, Crowell & Moring

Rick McNeil is a partner in the Environment and Natural Resources Group and also is a partner in the Commercial Litigation Group. Rick is a trial attorney with numerous jury, bench and administrative trials to his credit, particularly in the areas of environmental, land use, tort and product liability, real estate and business litigation.

Rick's environmental experience spans nearly all aspects of federal and California law, including Superfund, the Clean Water Act, the Clean Air Act, Proposition 65 and green chemistry, including numerous matters involving chemicals in food and consumer products.

Rick also has substantial experience in cases involving claims for personal

Lab Consolidation

injury or property damage claimed to be the result of exposure to mold, lead, asbestos, pathogens, and other toxins (such as under Proposition 65 and federal and Cal-OSHA), as well as regulatory enforcement involving these types of claims.

Rick has handled dozens of matters before the USEPA, the SCAQMD, the DTSC, and the Los Angeles and Santa Ana RWQCB's.

Rick is recognized for his knowledge about CEQA (the California Environmental Quality Act) and counsels clients on land use planning and zoning as well as strategies for obtaining land development entitlements. Rick has served as lead counsel or co-counsel in numerous CEQA cases through the trial and appellate phases and also counsels clients on strategies to avert CEQA lawsuits.

Rick is a member of the American Law Institute, where he contributes to the current revision of the Restatement of the Law, 4th, Property. He also is a member of the Litigation Section and the Environment, Energy and Resources Section of the American Bar Association and the Real Estate, Business Litigation and Environmental Law Sections of the Orange County Bar Association.

Rick also was appointed a member of the City of Newport Beach Water Quality and Coastal Tidelands Committee.

Rick just completed a six-year term as a Member of the Board of Directors of the Orange County Bar Association while remaining the Co-Chair of the OCBA's Diversity Committee.

Rick also is a Member of the Board of Directors for Legal Aid of Orange County and is the Chair Emeritus of the Pacific Chorale, a symphonic choral organization that provides free after-school music education to inner city children.

Rick is also an experienced mediator, having mediated many land use, environmental, and business cases.

Justin Burmeister

Director of Chemistry and Business Innovation, Applied Technical Services

Justin Burmeister currently holds the position of Director of Chemistry and Business Innovation for Applied Technical Services, LLC (ATS), an engineering, testing, inspection and certification firm headquartered in Marietta, GA. Justin has worked at ATS for 17 years and during that time has provided technical consulting to a variety of industries including in the consumer products, automotive, aviation, power generation, defense and medical device markets.

He graduated from Mercer University and holds a degree in Chemistry, Biochemistry and Business Administration.

Joseph Mann

Senior of Counsel, Lexington Law Group

Joe Mann joined the Lexington Law Group in September 2012 and is currently Senior of Counsel at the firm. His practice includes representing plaintiffs in public interest litigation involving consumer rights, corporate accountability, and removing toxic chemicals from consumer products.

Prior to joining the Lexington Law Group, Mr. Mann worked as a litigation attorney for

the National Environmental Law Center, a non-profit organization specializing in the enforcement of federal environmental laws against the nation's most egregious polluters. His practice focused on citizen enforcement suits under the Clean Water Act, the Clean Air Act, and the Endangered Species Act. He also brought several successful challenges against the federal government itself, striking down insufficiently protective rules promulgated by the U.S. Environmental Protection Agency. Prior to that, Mr. Mann spent a year as the Law Clerk to U.S. District Court Judge Irma E. Gonzalez in the Southern District of California.

Mr. Mann earned his J.D. degree from New York University School of Law in 1999, where he served as Editor-in-Chief of the NYU Environmental Law Journal. He received his undergraduate degree, a B.A. in Philosophy, from Northwestern University in 1991.

Dennis Raglin

Partner, Steptoe & Johnson

Dennis Raglin has over 25 years of experience counseling and defending clients in California's Proposition 65 right-to-know chemical warnings law and is co-chair of Steptoe's Prop 65 group. He is a tenacious litigator who has represented clients in bet-the-company cases. Dennis was trial counsel in one of the few Prop 65 cases to ever be tried to verdict in the law's 37-year history – representing a national food manufacturer. He was also part of the team achieving victory at the California Court of Appeals establishing federal law preempts Prop 65 warnings for generic over-the-counter medication. He has also secured favorable settlements for national clients in high-profile Prop 65 suits brought by the state Attorney General. His practice includes knowledge of, and counseling on, a broad range of other state and federal chemical laws and regulations, including those related to foods and the FDA, PFAS, personal and children's products, TSCA and CPSIA, packaging and recycling, and green chemistry initiatives.

Dennis works with companies large and small to understand these laws and fashion the most effective outcome, whether it be a strengthened compliance program, resolution and settlement, or through litigation - always with an eye toward what works and what gets the best results. Dennis partners with his clients to understand their business and then works together to achieve their goals.

Dennis also defends clients in products liability matters, with a focus on medical devices and pharmaceuticals. He is currently California counsel for a national medical device manufacturer. His diverse experience has encompassed defending products such as implantable and prescription medical devices, prescription and over-the-counter pharmaceuticals, biologics, baby and toddler formula and nutritional supplements.

Dennis has been both a speaker and an author of numerous articles in his fields of practice. He has spoken to various companies and trade groups on best practices for compliance with Prop 65 and regulations in California and other states related to green chemistry, PFAS chemicals, and consumer product chemical reporting obligations, all issues of increasing importance with states across the country enacting more regulations in these areas. He has also written numerous articles on the constitutionality of Prop 65, including on the issue of federal preemption. In the area of medical and pharmaceutical products, he has presented and written on topics related to FDA regulation of nutritional supplements, best practices in complying with FDA guidance governing device and

pharmaceutical companies' social media policies, and scientific information exchange.

Margaret Whittaker

Managing Director and Chief Toxicologist, ToxServices

Dr. Margaret "Meg" Whittaker is the Managing Director and Chief Toxicologist of ToxServices LLC. Dr. Whittaker is one of the pioneers in the field of chemicals alternatives assessments and is a key contributor to advancing these methods around the world. She is an accomplished human health risk assessor, chemical hazards assessor, and alternatives assessor. She has worked at ToxServices since its founding in 2003.

Dr. Whittaker performs quantitative exposure and risk assessments for projects including California Proposition 65 safe harbor assessments, medical device extractables and leachables assessments, consumer product safety assessments, and cosmetics/personal care product assessments, among others. She excels at assessing biocompatibility of medical devices and drug/device combination products. She also performs chemical hazard assessments and alternatives assessments to support the selection of safer chemicals and technologies.

Dr. Whittaker is a Diplomate of the American Board of Toxicology who earned a Ph.D. in Toxicology from The University of Maryland, Baltimore and an M.P.H. in Environmental Health from The University of Michigan. Dr. Whittaker is a U.K./EuroTox Registered Toxicologist, as well as a Chartered Biologist and Fellow of the U.K. Royal Society of Biology.

Meg has served as an officer on multiple SOT Specialty Section and Regional Chapters, including the Metals Specialty Section, Mixtures Specialty Section, Sustainable Chemicals for Contemporary Toxicology (SCCT) Specialty Section, and the National Capital Area Chapter of SOT. She served as a member of the SOT Nominating Committee from 2021-2023, and has served as an SOT Roving Reporter since 2014. She is currently vice president elect of SOT's Out Toxicologists and Allies (OTA) Special Interest Group.