

ANNUAL CONFERENCE prop. 65 clearinghouse

MONDAY, SEPTEMBER 18, 2023

JULIA MORGAN BALLROOM

2:45 to 3:45 Updates on Recent Appeal Court Decisions

Round table:

Rachel Doughty, Founder and Shareholder, Greenfire Law

Dennis Raglin, Partner, Steptoe & Johnson

Julia Thrower, Of Counsel, Environmental General Counsel

Bill Verick, CEO, Mateel Environmental Justice Foundation

Bios

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.

Updates on Recent Appeal Court Decisions

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.

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.

Julia Thrower

Of Counsel, Environmental General Counsel

Julia graduated from the University of California, Berkeley Law School and holds a Ph.D from Johns Hopkins University in Biochemistry and Molecular Biology. She served as a post-doctoral fellow at the University of California, Berkeley in the Department of Chemistry.

Julia's practice includes a broad range of state and federal environmental laws, including

permitting and land use issues as well as Proposition 65 matters (most notably the recent appellate case of *EHA v. Sream, Inc.*, 83 Cal. App. 5th 721 (2022)).

Julia focuses on integrating scientific information and legal principles to build the strongest case possible. She served for nearly a decade as a trial attorney for the Environment and Natural Resources Division at the U.S. Department of Justice, where she handled high-profile environmental law cases around the country for federal agencies, such as the Forest Service, Bureau of Land Management, Department of Transportation, and Federal Emergency Management Agency. She negotiated multi-party settlements in cases involving millions of acres of public lands to highway projects that raised environmental justice issues.

Julia was awarded several Department awards, including the John Marshall Award, the Department of Justice's highest award for attorneys.

She is licensed to practice law in both Idaho and California.

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.