

vCONFERENCE

prop.65clearinghouse

Annual Conference

Monday, September 21, 2020

Before the 60-Day Notice Arrives

Plenary Session

2:20 to 3:20

Before The 60-Day Notice Arrives: Strategies For Keeping Your Products Prop. 65 Compliant

Moderator: **Tom Lewandowski**, Principal, Gradient

Panel: **Lynn Fiorentino**, Partner, Arent Fox
Amy Lally, Partner, Sidley Austin
Ryan Landis, Principal, Polsinelli
Malcolm Weiss, Partner, Hunton

Bios

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).

Lynn Fiorentino

Partner, Arent Fox

In the criminal arena, Lynn represents clients in the defense of the Foreign Corrupt Practices Act, False Claims Act, Clean Water Act, and money laundering and antitrust laws. She also defends students in Title IX university disciplinary matters with parallel criminal proceedings. Lynn has extensive experience defending business organizations, employees, and witnesses and representing victims in government investigations and criminal actions. Her broad experience also includes conducting internal investigations in white collar matters and governmental investigations and interfacing with state and federal prosecutors. Lynn has criminal trial experience in state and federal court.

In the civil arena, Lynn defends clients in cases involving alleged financial fraud, employment and wage and hour violations, unfair competition under Business & Professions Code Section 17200, and Proposition 65 violations. Lynn also represents alcohol beverage suppliers and distributors in breach of contract and business tort litigation. She has extensive experience drafting pretrial motions and discovery, arguing motions in state and federal court, and taking and defending depositions of plaintiffs, fact witnesses, corporate representatives, and expert witnesses.

Under Proposition 65, Lynn has defended countless businesses in notices of violations across a broad array of product lines and chemical compositions, both pre-litigation and in litigation. In addition, she routinely counsels corporate clients to develop and enhance compliance programs under Proposition 65 and the California Cleaning Product Right to Know Act.

Amy Lally

Partner, Sidley Austin

Amy Lally is a trial lawyer who practices in all areas of litigation, including class actions, contract dispute litigation and real estate litigation. She serves as a global co-leader of Sidley's Consumer Class Actions practice area. Amy has broadly represented the consumer products and services industries in litigation arising under Proposition 65, California's Unfair Business Practices Act (UCL, Section 17200), False Advertising Law (FAL, Section 17500), the Consumer Legal Remedies Act (CLRA), labeling laws (including on comparative pricing and Made in America), the California Invasion of Privacy Act (CIPA), TCPA, the Song-Beverly Credit Card Act and California's Shine the Light law.

She is a leading member of Sidley's CCPA Litigation Task Force, a dedicated group of lawyers focused on the California Consumer Privacy Act (CCPA), counseling clients on how to assess and mitigate litigation risks by putting in place the policies, procedures and protocols that comply with the new law. Her clients include numerous consumer goods manufacturers and retailers, including vitamin and dietary supplement companies, pharmaceutical companies, apparel, furniture and home goods companies and e-commerce companies. Amy also has represented a wide variety of other businesses such as financial institutions, hedge funds, accounting firms and oil and gas companies.

Amy has tried cases to verdict in both California state and federal court and the Court of Federal Claims. She litigates cases in multiple courts throughout California, including in the counties of Alameda, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco and San Mateo.

Clients have described Amy as "an excellent trial lawyer; she is an aggressive and knowledgeable advocate in Prop. 65 Cases" (Chambers USA, 2015). She was also recommended in the 2017 edition of The Legal 500 for dispute resolution.

Amy earned her J.D. from Georgetown University Law Center and her B.A. from Boston College, summa cum laude, and was a member of Phi Beta Kappa, Golden Key National Honor Society and Cross and Crown Honor Society.

Ryan Landis

Principal, Polsinelli

As a shareholder in the Polsinelli Los Angeles office, Ryan Landis's legal practice involves environmental and toxic tort litigation and regulatory compliance.

Ryan heads up Polsinelli's Prop 65 practice. He has defended companies in Prop 65 litigation enforcement

matters for more than 15 years. In addition to litigation defense, Ryan also advises companies on Prop 65 regulatory compliance and risk management measures. His clients have ranged from large retailers to vendors and manufacturers, in industries including: sports and fitness products; food and dietary supplements, automotive materials; safety and home/business protection products; cleaning product manufacturers; personal care and cosmetic products; transportation companies; and home-care appliance products.

Ryan's practice also focuses on federal and state environmental counseling and litigation with an emphasis on petrochemical and agricultural product regulations, hazardous waste and groundwater contamination, environmental auditing, air quality management, and hazardous waste cleanup.

Ryan received his Bachelor of Science in Environmental Law, Policy and Planning from University of California at Berkeley and his law degree from the University of San Diego School of Law.

Malcolm Weiss

Partner, Hunton Andrews Kurth

Malcolm is well-versed in a wide range of complex environmental law issues. Clients appreciate his forward-looking, practical approach to solving problems.

Malcolm has developed a sophisticated practice covering a wide variety of environmental laws and statutes, and is always ready to assist clients, whether it be with air quality and product/chemical safety or environmental auditing and due diligence. He has gained a broad perspective of the numerous challenges facing companies operating in California, developing particularly in-depth knowledge of California's air quality laws, Proposition 65 and the California Environmental Quality Act (CEQA), as well as valuable insights on climate change and contaminated properties issues specific to California's legal market.

He also represents clients on issues such as facility permitting and closure, emissions trading, environmental insurance and consumer product safety matters.

Malcolm's clients appreciate his business-savvy approach to helping them secure permitting to build or modify facilities, navigate rulemaking processes, understand and comply with complex regulatory programs, conduct emissions trades (including carbon), challenge agency enforcement actions and defend against citizen suits. His advice to clients helps them resolve disputes, understand environmental laws and plan confidently for the future.

His clients include large and small companies in the energy, oil, industrial minerals, manufacturing, aerospace, real estate, automotive, hospitality, and financial sectors and trade associations.

Malcolm began his career at the US Environmental Protection Agency's headquarters in Washington, DC. He left EPA to co-found AER*X, the nation's first emissions trading consulting and brokerage firm assisting clients to monetize environmental credits. Subsequently, Malcolm opened AER*X/RMT's (an environmental and engineering consulting firm) first California office to more effectively and efficiently service client needs.