

# ANNUAL CONFERENCE

# prop.65clearinghouse

MONDAY, SEPTEMBER 19, 2022

JULIA MORGAN BALLROOM

## 4:00 to 5:00 What Statutory Changes Would Improve the Operation and Effectiveness of Proposition 65? The View from Business

What Statutory Changes Would Improve the of Proposition 65?

Round Table:

**Sophia Castillo**, Partner, Downey Brand  
**Michael McGuffin**, President,  
American Herbal Products Association  
**Jeffrey Margulies**, Partner, Norton Rose Fulbright  
**Peg Toledo**, Partner, Arnold & Porter Kaye Scholer

### Bios

#### **Sophia Castillo**

Partner, Downey Brand

Sophia Castillo (“Sophie”) helps her clients comply with, and litigate, complex issues relating to toxics and chemicals in products and in the environment. Her practice focuses on California’s Proposition 65, litigation involving chemicals in consumer products, and pollution and contamination claims in soil and water.

In her products practice, Sophie helps companies up and down the supply chain (importers, manufacturers, distributors, and retailers) comply with the warning and labeling mandates of Proposition 65 for chemicals in products and defends them in plaintiff claims when they arise. She works with food & beverage, furniture and housewares, personal care, and consumer product companies on Proposition 65 and other state law regulatory compliance programs and audits of existing products for regulatory compliance.

Sophie has been an active Proposition 65 defense attorney for many years. She has a particular interest in and passion for Proposition 65 as it relates to the food industry and counsels importers, distributors, national brands, private labels, institutional suppliers, family-owned food processing businesses, and retail grocers on Proposition 65 compliance, litigation, and risk avoidance. She is well-versed in the nuances of exposure analyses that shape Proposition 65 compliance decision-making in the regulated community. She authors a monthly update describing trends in Proposition 65 60-Day Notices of Violation by citizen plaintiff groups and is a frequent presenter on Proposition 65 issues for associations, including the Association of Food Industries, the Specialty Food Association, and the annual Prop. 65 Clearinghouse conference.

In her environmental law practice, Sophie defends scientific environmental law and toxic tort

cases. She litigates complex, multi-party CERCLA/contaminated property cases and has expertise in natural resource damages claims, natural resource damage assessments, oil spill response, the Oil Pollution Act, and Clean Water Act matters. Sophie also defends toxic tort matters involving chemicals in foods, beverages, consumer products, and pharmaceuticals. She litigates matters involving chemical exposure claims, and frequently works with experts in toxicology, chemical regulation, food safety, and epidemiology.

### **Michael McGuffin**

President, American Herbal Products Association

Michael McGuffin is the president of the American Herbal Products Association (AHPA) and has been active in the herbal industry since 1974. He has owned and managed both retail and manufacturing businesses in this field.

Michael also serves on the Boards of Directors of the American Herbal Pharmacopoeia and United Plant Savers, and on the Advisory Boards of the USC School of Pharmacy Regulatory Science Master's Degree Program and of the Appalachian Beginning Forest Farmer Coalition. He served on FDA's Food Advisory Committee Working Group on Good Manufacturing Practices for Dietary Supplements (1998-99), FDA's Food Advisory Committee's Dietary Supplements Subcommittee (2003-04), and California's Office of Environmental Health Hazard Assessment Food Warning Workgroup (2008-10). In addition, he is an editor of AHPA's *Botanical Safety Handbook*, first (1997) and second (2013) editions, and of AHPA's *Herbs of Commerce*, 2nd edition (2000).

### **Jeffrey 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.

### **Peg Toledo**

Partner, Arnold & Porter Kaye Scholer

Peg Carew Toledo has developed two areas of focus over more than 25 years of law practice.

Proposition 65. Peg defends and counsels companies dealing with issues arising from California's Proposition 65. Peg has provided Proposition 65 compliance advice and litigation defense to numerous Fortune 500 companies. She has also litigated Proposition 65 cases against the California Attorney General, as well as private prosecutors. She counsels companies—large and small—on compliance with Proposition 65, and works with them on developing Proposition 65 compliance programs and performing compliance audits of existing products.

Peg has handled numerous cases alleging exposure to a variety of Proposition 65-listed chemicals including acrylamide, lead, cadmium, phthalates (DEHP, DBP, BBP and DINP), bisphenol A (BPA), cocamide DEA, benzophenone, formaldehyde, arsenic, mercury, toluene, benzene, progesterone, PCBs and flame retardants.

Appeals. Peg has been certified as an appellate specialist by the California State Bar, Board of Legal Specialization for over 14 years. She has litigated numerous appeals and writ petitions in California appellate courts and at the United States Court of Appeals for the Ninth Circuit.

From 2016 to 2018, she served as Chair of the Ninth Circuit Advisory Board and previously served as Chair of the Ninth Circuit's Lawyer Representatives Coordinating Committee.

Prior to joining Arnold & Porter, Peg was in private practice at her own firm. She has served in the California Attorney General's Office and as a law clerk to Ninth Circuit Judge Warren Ferguson.

### **Recognition**

- Northern California Super Lawyers, Appellate Law (2010-2022)
- Sacramento Business Journal, Best of the Bar (2013-2019)
- Sacramento Magazine, "Top Lawyer" General Litigation (2017)
- Ninth Circuit Distinguished Service Award (2006)

### **Professional and Community Activities**

- Chair, Local Rules Civil Subcommittee (E.D. Cal. 2020 - present)
- Chair, Ninth Circuit Advisory Board (2016-2018), Member (2008-2018)
- Member, Advisory Board, Prop 65 Clearinghouse (2008-2015)
- Chair, Appellate Law Section, Sacramento County Bar Association (2015)
- Chair, Magistrate Judge Merit Selection Committee (E.D. Cal. 2011)
- Chair, Ninth Circuit Lawyer Representative Coordinating Committee (2006)
- Chair, Judicial Advisory Committee (E.D. Cal. 2007-2010), Member (2001-2006)