

# ANNUAL CONFERENCE prop.65clearinghouse

MONDAY, SEPTEMBER 19, 2022

JULIA MORGAN BALLROOM

10:45 to 11:45

## Show Me the Money: How to Make Prop. 65 Attorney Fees More Transparent

Moderator:  
Panel:

**David Sadwick**, Assistant Chief Counsel, DTSC  
**Michael Green**, CEO, Center for Environmental Health  
**Catherine Johnson**, Environmental General Counsel  
**Malcolm Weiss**, Partner, Hunton Andrews Kurth  
**Lucas Williams**, Professor and Staff Attorney,  
Environmental Law and Justice Clinic,  
Golden Gate University School of Law

### Bios

#### David Sadwick

Assistant Chief Counsel, DTSC

David Sadwick is Assistant Chief Counsel at the California Environmental Protection Agency's Department of Toxic Substances Control.

David graduated from Stanford Law School and then was a 9th Circuit law clerk. He had a long career practicing environmental law in the private sector before joining California state government.

David has served on the Prop 65 Clearinghouse Advisory Board, was involved in the drafting of the initial Prop 65 attorney's fees regulations by Attorney General Bill Lockyer, has litigated Prop 65 cases since the statute's inception, and has engaged in many legal battles over Prop 65 liability, penalties, and attorney's fees.

#### Catherine Johnson

Environmental General Counsel

Catherine specializes in California and federal environmental law, representing a broad range of clients and industries, including manufacturing facilities, national transportation companies, food companies, a recycling facility, and leaders in the commercial real estate and multi-family housing industry. She has represented several of her current clients for decades, including a national Real Estate Investment Trust, developers, and a marine terminal.

Show Me the Money

Catherine's areas of expertise include brownfields development, soil vapor intrusion, Proposition 65, pollution legal liability insurance policies, hazardous and solid waste, landfills, Superfund sites, electronic waste, underground storage tanks, asbestos-containing materials, lead-based paint, mold, radon, methane gas, OSHA, Porter-Cologne Act, Truck & Bus Regulation, CERCLA, RCRA, Clean Water Act, Clean Air Act, and all aspects of the investigation, cleanup, and closure of contaminated properties. Catherine has special expertise in vapor intrusion and contaminated sites, major development projects (including associated agreements such as CLRRRA Agreements and PPAs), and environmental due diligence. Catherine has handled enforcement actions brought by federal, state, and local agencies, under a variety of laws, including one of the first U.S. EPA enforcement actions brought under the California Truck & Bus Regulation.

Catherine's transactional and compliance practice at EGC is backed by years of litigation experience, where she served either as lead counsel or co-counsel in several major cases, including citizens' suits claims (Prop 65, stormwater), CERCLA cost recovery claims, and claims for property damage associated with subsurface contamination and soil vapor intrusion. Catherine was lead attorney for the landmark case, *U.S. v. Chapman*, 146 F.3d 1166, 1169 (9th Cir. 1998) (the first case to limit EPA's ability to recover its litigation fees in a CERCLA cost-recovery action) and she was lead co-counsel for *SF Baykeeper v. Levin Enterprises*, (N.D. CA, 2013) (first decision to define limits to stormwater permit requirements for the transportation industry).

Catherine is Immediate Past Chair of the Executive Committee of the Environmental Section of the Bar Association of San Francisco.

## **Malcolm Weiss**

Partner, Hunton Andrews Kurth

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.

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.

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.

## **Lucas Williams**

Professor and Staff Attorney, Environmental Law and Justice Clinic,  
Golden Gate University School of Law

Lucas Williams is a Professor and Staff Attorney at the Environmental Law and Justice Clinic at Golden Gate University School of Law ("ELJC") where he teaches and represents communities of color in environmental matters. Lucas has devoted his entire career to litigating public interest environmental cases. In 2009, Lucas began his career at ELJC as a graduate fellow, where he represented low-income communities of color in environmental cases.

In 2012, Lucas joined the Lexington Law Group ("LLG"), a public interest environmental and consumer protection firm. At LLG, Lucas represented nonprofit groups and communities addressing exposures to toxic chemicals. Lucas formed his own environmental justice practice, Williams Environmental Law, in early 2020.

**Michael Green****CEO, Center for Environmental Health**

Michael Green is Chief Executive Officer at the Center for Environmental Health (CEH) which he founded in 1996. As CEO of CEH, he has been a leader in national efforts to protect children and families from lead and other toxic chemicals in consumer products and from illnesses related to pollution in our air, water, and food. CEH is a leading advocate for comprehensive chemical policy, and uses both a carrot and stick to change corporate behavior in order to protect people's health. CEH has been hired by both corporations and government agencies to design policies that will protect the public from exposure to toxic chemicals.

Prior to founding CEH, Mr. Green designed a solid waste management plan for the Tibetan refugee community in Dharamsala, India, and cared for the sick at Mother Teresa's mission in Calcutta. He later worked for the Unrepresented Nations and Peoples Organization in The Hague. He is a recipient of The California Wellness Foundation's Leadership Award, and has also been awarded the prestigious Compassion in Action Award for his work protecting children from lead by the Dalai Lama Foundation.

Mr. Green has worked in government in Washington DC at both the US Dept of Energy's Office of Environmental Management and the US EPA's Working Group on Environmental Equity. He has a BS in Conservation and Resource Studies from UC Berkeley, an MPP in Public Policy and an MS in Natural Resources, both from the University of Michigan. He reports directly to his two direct supervisors: Dylan Green, born in 2007 and Juliette Green, born in 2008.