

Proposition 65 Update
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Presenter biography

Stanley W. Landfair counsels and represents companies in the chemicals, aerospace, electronics and other manufacturing industries on environmental compliance matters and represents them in environmental enforcement proceedings and other litigation matters. He has represented clients before administrative forums, state and federal trial and appellate courts and the U.S. Supreme Court.

Mr. Landfair is known for his experience in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and counterpart laws in California that regulate the manufacture, distribution, sale and use of pesticides. He counsels clients regarding their requirements under these laws, and has defended numerous federal and state enforcement actions against manufacturers and distributors. Mr. Landfair also is known for his vigorous defense of intellectual property rights of companies that submit trade secret health and safety testing data to federal and state agencies under FIFRA and state laws.

Mr. Landfair is similarly well-known for his experience in the Toxic Substances Control Act (TSCA) and similar laws in other countries that regulate the manufacture, distribution and use of chemicals in the United States and around the world. He has defended manufacturers of chemical, petroleum, aerospace and electronic products in TSCA enforcement actions.

In California, Mr. Landfair is a recognized authority on "Proposition 65," the State's Safe Drinking Water and Toxic Enforcement Act of 1986. He has defended over a thousand companies against "failure to warn" claims under the Act, arising from the sale and use of products such as asphalt roofing materials, orthodontic devices, intravenous feeding devices, dental amalgam, firearms and bullets, cookware, pipe nipples, smoking cessation devices, dry cleaning fluid, tobacco smoke, bulk chemicals, paints, and spray paints. Mr. Landfair won landmark victories in the case of *As You Sow v. Shell Oil Company*, resulting in a ruling Proposition 65 cannot be enforced against out-of-state manufacturers of workplace chemical products; and *Consumer Defense Group v. ARCO*, resulting in a ruling that the Proposition 65 "discharge prohibition" does not give rise to claims for the "passive migration" of chemicals after a discharge occurs.

Mr. Landfair also advises and represents companies and industry task forces in preventing the unwarranted listing of chemicals under Proposition 65. He has appeared numerous times before the Cancer Identification and Developmental and Reproductive Toxicant Identification Committees, regarding chemicals such as PFOA, Bisphenol-A, PFOS, Chlorpyrifos, and others.

Mr. Landfair co-authored the *TSCA Handbook* (Government Institutes, Fourth Edition, 2006) and contributed to the *Environmental Law Handbook* (Government Law Institutes, Twentieth Edition, 2009).

Presentation abstract

Mr. Landfair will present an update on recent developments under Proposition 65. His presentation will include events and trends in the areas of: the processes for listing new and additional chemicals; new chemical listings of interest; proposed changes to the warning regulations and Proposition 65 enforcement actions and decisions involving food products.