

ANNUAL CONFERENCE prop.65clearinghouse

MONDAY, AUGUST 31, 2026

JULIA MORGAN BALLROOM

Plenary Session

2:45 to 3:45

BPS and Regrettable Substitution: Reformulation, Enforcement, and Fallout

Moderator: **Justin Burmeister**, Director of Chemistry & Business Innovation, ATS Lab

Panel: **Arlene Blum**, Founder & Executive Director, Green Science Policy Institute

Rachel Doughty, Partner, Greenfire Law, PC

Jeff Margulies, Partner, Norton Rose Fulbright

Mark Todzo, Partner, Lexington Law Group

Will Wagner, Shareholder, Greenberg Traurig LLP

Bios

Justin Burmeister

Director of Chemistry & Business Innovation, ATS Lab

Justin Burmeister currently holds the position of Director of Analytical Services and Business Innovation for Applied Technical Services, LLC (ATS), an engineering, testing, inspection and certification firm headquartered in Marietta, GA. Justin has worked at ATS for 19 years and during that time has provided technical consulting to a variety of industries including in the consumer products, automotive, aviation, power generation, defense and medical device markets. He graduated from Mercer University and holds a degree in Chemistry, Biochemistry and Business Administration.

Arlene Blum

Founder & Executive Director, Green Science Policy Institute

Arlene Blum PhD, environmental health scientist, author, and mountaineer is the founder and executive director of the Green Science Policy Institute and a Research Associate in Biology at UC Berkeley. Her scientific and policy work with the Institute has contributed to reducing the use of PFAS, flame retardants, and other classes of harmful chemicals in consumer products worldwide.

Blum led the first American—and all-women's—ascend of Annapurna I, one of the world's most difficult high mountains. She also co-led the first women's team to climb Denali; completed the Great Himalayan Traverse across Bhutan, Nepal, and India; and hiked

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the length of the European Alps with her baby daughter on her back. She is the author of *Annapurna: A Woman's Place* and *Breaking Trail: A Climbing Life*.

Blum's awards include selection for the Forbes Sustainability Leaders list of 50 global changemakers, 2022 Honorary Doctorate from U. of San Francisco, and Induction into the California Hall of Fame.

Rachel Doughty

Partner, Greenfire Law, PC

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.

Jeff Margulies

Partner, Norton Rose Fulbright

Jeff Margulies focuses on litigation, compliance, and regulatory issues regarding consumer products and the companies that manufacture, distribute, and sell them. Jeff's litigation practice includes consumer class action litigation matters relating to false advertising, product compliance and privacy issues, as well as complex commercial litigation. His regulatory practice involves a variety of state, federal and international environmental, product safety, chemical management and related regulatory issues, advertising and labeling requirements, and encompasses compliance, enforcement and litigation.

Jeff has extensive litigation experience in complex commercial, consumer, and personal injury litigation, including federal and state jury and bench trials in cases involving pharmaceutical product liability, asbestos, false advertising and privacy consumer class actions, environmental contamination, and regulatory litigation including CEQA, administrative rulemaking, and California Proposition 65 enforcement actions. Jeff also has an active appellate practice, with more than a dozen published appellate decisions in which he was the lead author for a party or amicus.

Jeff has been active in Proposition 65 compliance and enforcement activities since the late 1980s, and has been involved in many industry-wide and precedential actions, including:

- *People v. Warner-Lambert* (calcium and antacid products)
- *People v. Cotter & Company* (federal preemption)
- *NPCA v. California* (constitutional challenge to private enforcement)
- *Mateel v. TJ Maxx* (lead crystal retail warnings)
- *DiPirro v. JC Penney* (cosmetics and painted glassware)
- *Consumer Cause v. Johnson & Johnson* (medical devices)
- *People v. FieldTurf* (artificial turf)
- *People v. Mattel* (toys)
- *In Re Vaccine Cases* (vaccines)
- *CEH v. Lulu NYC* (fashion accessories)
- *In Re TiO2 Powdered Cosmetic Cases*
- *CEH v. Easy Spirit/CEH v. Athleta* (socks and activewear)

Jeff received his BS in Psychology from Duke University in 1982 and his JD from Villanova Law School in 1986.

Mark Todzo
Partner, Lexington Law Group

Since 1993, Mark N. Todzo has devoted his practice of law to the representation of plaintiffs in consumer and environmental protection litigation. In that time, he has represented aggrieved individuals, nonprofit organizations and public entities in litigation that has curbed abusive and illegal corporate practices. Mr. Todzo's varied work has, among other things, helped to remove toxic chemicals from the environment, increased staffing in nursing homes, reformed deceptive advertising practices and recovered millions of dollars for the benefit of consumers. Mr. Todzo has argued cases in state and federal trial courts as well as courts of appeal and the California Supreme Court.

Mr. Todzo has focused much of his legal practice on eliminating and reducing toxic chemicals in consumer products as well as the emission of toxic chemicals and individuals' exposure to such chemicals. He has been a tireless advocate in cases seeking to remove lead from a host of children's products and the environment.

Mr. Todzo has served as class counsel in numerous class action lawsuits as well as liaison counsel in complex coordinated actions. He was lead counsel in a case that resulted in the removal of over 500,000 pounds of lead per year from California roadways and has represented classes of individuals in a variety of different cases including a class of purchasers of fake organic products sold by Hain Celestial and a class of Comcast subscribers who were blocked from using peer-to-peer file sharing programs in breach of their contracts.

Mr. Todzo is currently working on Proposition 65 cases seeking to reduce or eliminate the use of BPA in athletic clothing, BPS in thermal receipt paper, and "forever" PFAS chemicals from groundwater surrounding industrial facilities. He was successful in obtaining a reduction in emissions of hexavalent chromium in Paramount, California and styrene from factories throughout southern California. He also played a leadership role in the litigation against Southern California Gas Company relating to the 2015 methane gas blowout in Aliso Canyon, obtaining one of the few seven figure Proposition 65 settlements.

Mr. Todzo joined the Lexington Law Group, LLP in 1998 and is a principal of the firm. Mr. Todzo received his law degree from Hastings College of the Law in 1993 and received an A.B. from Duke University in 1986. In addition to the practice of law, Mark enjoys rock and mountain climbing, running, and biking.

Will Wagner
Shareholder, Greenberg Traurig LLP

Will Wagner focuses his practice on the intersection of consumer products and complex scientific and environmental issues. He defends product companies against environmental consumer claims involving California's unique Proposition 65 and consumer false advertising class actions including those based on recyclability and greenwashing. He represents companies in the personal care, fashion, food, beverage, supplement, and textile industries relating to substances of concern including heavy metals, microplastics, PFAS, phenols, benzene, and phthalates. Will also defends against more traditional deceptive advertising claims, including natural advertising, and nonfunctional slack-fill, as well as product liability claims.

Further, Will has broad experience navigating state and federal product and environmental regulations, with an emphasis on the proliferation of regulation in California. This includes work on laws that prohibit PFAS, recycling regulations (such as Extended Producer Responsibility (EPR)), and other greenwashing laws. He also has deep experience with pertinent California agencies, including the Office of Environmental Health Hazard Assessment (OEHHA), Department of Resources Recycling and Recovery (CalRecycle), Department of Toxic Substances Control (DTSC), and California Air Resources Board (CARB).

Will is also a registered lobbyist in California, focusing on legislation that impacts product companies.