



# PROPOSITION 65 PRACTICE

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No defense group is more experienced and no team is better prepared to deliver quality results.





THE 'ACCESSIBLE',  
'RESPONSIVE' AND 'PROACTIVE'  
TEAM AT MORRISON &  
FOERSTER LLP IS 'EXCELLENT  
IN ALL AREAS', HANDLING A  
STREAM OF HIGH-PROFILE  
PROPOSITION 65 WORK.

*LEGAL 500 US*

# WHY USE MORRISON & FOERSTER?

## WE KNOW HOW TO WIN.

We have led more companies through Proposition 65 litigation and settlement than anyone else. We won the only unanimous Proposition 65 decision by the California Supreme Court, the first Proposition 65 defense verdict after trial, and several major Proposition 65 appeals.

In addition, we have negotiated a variety of stand-alone, joint defense group, and industry-wide Proposition 65 settlements on reasonable and often groundbreaking terms.

Our extensive experience and winning track record make us uniquely capable of creating a cost-effective strategy that will make business sense for each of our clients.

## WE HAVE THE EXPERIENCE.

Some of our most noteworthy Proposition 65 litigation victories include:

- *Dowhal v. SmithKline, et al.* (Implied federal preemption of Proposition 65)
- *Environmental Law Foundation v. Beech-Nut Nutrition Corp., et al.* (Actual product use results in exposures below the Proposition 65 warning thresholds)
- *American Meat Institute v. Leeman* (Express federal preemption of Proposition 65)
- *Environmental World Watch v. Cummins Engine Co.* (Res judicata bars Proposition 65 claim)
- *Global Community Monitor, et al. v. Lumber Liquidators, Inc.* (Invoice warnings were sufficient)
- *Public Interest Alliance, LLC v. TiO2 Joint Defense Group* (Chemical in product was not in the form listed)

## WE KNOW THE LAW.

We have represented trade associations, ad hoc industry groups, and individual clients in every aspect of the Proposition 65 rulemaking process, from advocacy relating to “safe use determinations” to keeping chemicals off the state’s list or getting new listings qualified so that they do not apply to typical commercial applications of a chemical. We have also represented business interests in broader rulemakings on Proposition 65’s most significant regulatory exemptions and with no significant risk level and warning safe harbors. And, when necessary, we have also taken legal action against the state in courts to invalidate improper rulemaking.



# WE KNOW YOUR BUSINESS



MANUFACTURERS



RETAILERS



FOODS + AGRICULTURE



WORKPLACE AND  
INDUSTRIAL FACILITIES



LIFE SCIENCES



CONSUMER TECHNOLOGY

## WE KNOW THE SCIENCE.

We have represented trade associations and individual companies with respect to numerous chemical listings under Proposition 65 and used scientific arguments to defend our clients' products on the basis that their chemical exposure levels do not require warnings. Our attorneys understand the specialized technical aspects of human health risk and exposure assessment, so we can guide you in using consultants and expert witnesses wisely and efficiently.

## WE KNOW THE PLAYERS.

We know the decision-makers in the California Attorney General's Office, who have primary responsibility for Proposition 65 enforcement, as well as those in the California Office of Environmental Health Hazard Assessment, the state agency charged with implementing Proposition 65 and overseeing its regulations.

## WE KNOW THE BOUNTY HUNTERS.

We have also litigated against or negotiated settlements with all of the principal private plaintiffs and their lawyers, including the Center for Environmental Health; Mateel Environmental Justice Foundation; Environmental Law Foundation; Environmental Research Center; Council for Education and Research on Toxics (CERT); and virtually all of the other Proposition 65 plaintiffs and plaintiffs' bar.

### "HOT" PROPOSITION 65 CHEMICALS

- Acrylamide
- Bisphenol-A (BPA)
- Cadmium
- Carbon Monoxide
- DEHP and other phthalates
- Formaldehyde
- Furfuryl Alcohol
- Glyphosate
- Lead

### PRODUCT EXPERIENCE

#### FOOD & BEVERAGE

- Bottled water
- Chocolate and other candy
- Coffee
- Dairy
- Dietary supplements, including protein powders and drinks
- French fries, potato chips, and other snack foods
- Fruit juice, canned fruit, and baby food
- Maple syrup
- Meat, poultry, and fish
- Soft drinks
- Vinegar
- Wine

#### CONSUMER ELECTRONICS

- Computers and peripherals
- Copiers and printers
- Household appliances

#### PERSONAL CARE PRODUCTS

- Cosmetics
- Fragrances
- Shampoo
- Soap

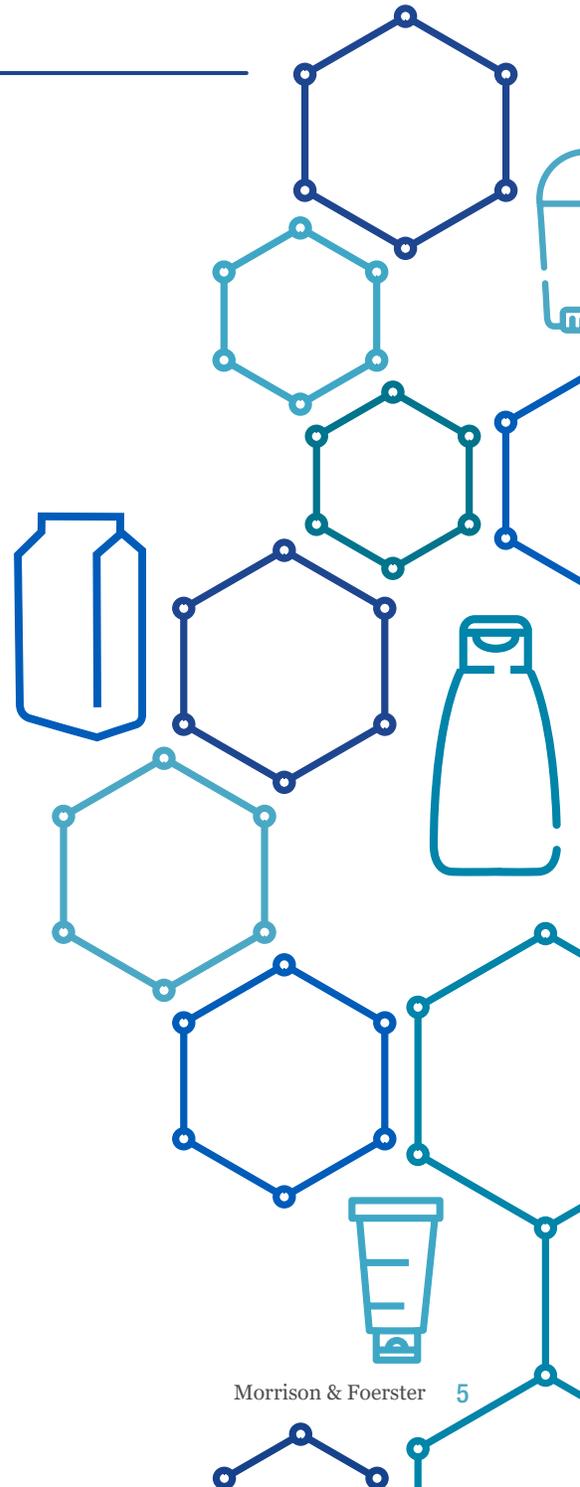
#### OTC DRUGS AND HEALTHCARE PRODUCTS

- Fish oil supplements

- Healthcare monitoring equipment
- Nasal sprays
- Nicotine replacement products
- Regulated healthcare products

#### OTHER PRODUCTS

- Apparel and fashion accessories
- Appliances
- Automobiles and auto care products
- Batteries
- Children's products, including toys, furniture, and playground equipment
- China, crystal, ceramics, and glassware
- Cigars and cigarette lighters
- Cleaning products, bleach, and detergent
- Cookware
- Exercise equipment
- Fuel
- Furniture and home furnishings
- Hardware and tools
- Jewelry
- Laminated wood flooring
- Lubricants and household solvents
- Office and art supplies
- Paints, varnishes, sealants, and adhesives
- Pesticides
- Pet-care products
- Sporting goods



# YOUR KEY MOFO CONTACTS



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*BTI Client Service All Stars 2018*  
Was nominated anonymously by a world-leading consumer products company based on their experience relying on his environmental/toxics work and expertise



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*Law360*  
Chosen as the exclusive winner of the Client Choice Award for environmental law in California and as a "Rising Star" in environmental law



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Recommended in the area of product liability and mass tort defense: consumer products, pharmaceuticals, and medical devices



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*Legal 500 US*  
Recommended in the area of product liability and mass tort defense: consumer products and toxic tort

AUSTIN BEIJING BERLIN BRUSSELS DENVER HONG KONG LONDON LOS ANGELES NEW YORK PALO ALTO SAN DIEGO SAN FRANCISCO SHANGHAI SINGAPORE TOKYO WASHINGTON, D.C.



THEY CAN ALWAYS ACCESS  
THE RIGHT AGENCIES AND  
UNDERSTAND THE LAW  
THOROUGHLY. THEY ARE ALWAYS  
RESPONSIVE AND DELIVER A  
GOOD WORK PRODUCT.

*CHAMBERS USA*

