



LAW SEMINARS INTERNATIONAL

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A Timely Comprehensive Conference on preparing for the wave of **PFAS Litigation in the Pacific Northwest**

*Evolving regulations, forensic techniques, theories of liability, lines of defense,
damage calculation, and remediation approaches*

September 14 & 15, 2020

Via Interactive Zoom Broadcast

Agenda—Day 1

8:30 Registration Opens

9:00 Introduction & Overview

Jeff B. Kray, Esq., Program Co-Chair
Marten Law ~ Seattle, WA

Ralph H. Palumbo, Esq., Program Co-Chair
Yarmuth Wilsdon ~ Seattle, WA

**9:15 Understanding the Chemistry: Toxicity, Occurrence, Fate and Transport of PFAS
Chemicals**

Background, nomenclature, and unique characteristics of PFAS compounds

Jennifer Field, Ph.D.,
Professor of Environmental and Molecular Biology
Oregon State University ~ Corvallis, OR

Fate and transport of PFAS in the environment and source identification through the use of forensic techniques

Amy Wilson, Ph.D., P.E., Technical Director
TRC Companies Inc. ~ Concord, CA

10:30 Break + Speaker Evaluation Poll

10:45 Federal Regulatory Developments Relating to PFAS Contamination

Recent developments at the EPA: Safe Drinking Water Act and the Third Unregulated Contaminant Monitoring Rule (URCM3); EPA Health Advisories for PFOA and PFOS; draft interim recommendations for addressing PFOA and PFOS groundwater contamination

Rachel Jacobson, Esq.
WilmerHale ~ Washington, DC

Litigation and other developments relating to federal standards, including the dispute over whether PFOA-based chemicals should be treated individually or as a family of chemicals

Anne E. Lynch, Esq.
Van Ness Feldman ~ Washington, DC

12:00 Lunch Break + Speaker Evaluation Poll

1:15 State Responses to the Slow Pace of the Federal Response, including the Regulatory Trends

Trends in state adoption of Maximum Contaminant Level (MCL) standards under the Clean Water Act

Jessica K. Ferrell, Esq.
Marten Law ~ Seattle, WA

Case study: Update on California State Water Resources Control Board action to lower Response Levels for PFAS and PFOA in drinking water; Assembly Bill 756 requiring water systems to report any detected levels of PFAS in annual consumer confidence reports

Shawn D. Hagerty, Esq.
Best Best & Krieger ~ San Diego, CA

2:30 Update on the Aqueous Film Forming Foam (AFFF) Multi-District Litigation

Nature of the consolidated cases; key issues to be resolved

Jeff B. Kray, Esq., Program Co-Chair

3:15 Break + Speaker Evaluation Poll

3:30 Update on Washington State's Drinking Water and Toxic Cleanup Programs

Development of drinking water regulations for Washington State

Brian J. Walsh,
Policy and Planning Section Manager
WA DOH Office of Drinking Water
Olympia, WA
Derek Pell, Deputy Director, Operations
WA DOH Office of Drinking Water
Kent, WA

Case study of the process for establishing cleanup standards for the Issaquah PFAS site

Clifford T. Schmitt,
Principal Hydrogeologist and Co-Founder
Farallon Consulting ~ Issaquah, WA

5:00 Virtual Reception for Faculty and Attendees + Speaker Evaluation Poll

Grab your favorite beverage and snack for a moment of comraderie and a less structured discussion of what is happening in the PFAS litigation world

Agenda—Day 2

9:00 PFAS Litigation: State Enforcement Efforts Against Federal Facilities

This will be a recording of PFAS Litigation in the Midwest October 8 & 9, 2020

9:45 Hazardous Materials Cleanup Laws: CERCLA Designations as a Potential Game Changer

Legal and technical perspectives on how designation of one or more PFAS as CERCLA hazardous substances may affect the universe of potentially responsible parties (PRPs), the investigation and remediation process, and CERCLA liability

Gary P. Gengel, Esq.
Latham & Watkins ~ New York, NY
Jaana Pietari, Ph.D., PE,
Senior Managing Consultant
Ramboll ~ Westford, MA

10:45 Break + Speaker Evaluation Poll

11:00 Establishing a Scientific Basis for Remediation and Treatment

Case study of the former Pease Air Force base: Remedial activities and how they have been impacted by PFAS fate and transport at the site

Heather Forth, Ph.D., Senior Associate

Abt Associates ~ Boulder, CO

Considerations for PFAS fingerprinting

Tarek Saba, Ph.D.,
Principal Scientist & Office Director
Exponent ~ Maynard, MA

12:15 Lunch Break + Speaker Evaluation Poll

1:30 Risk Management for Potentially Responsible Parties

Insurance options and issues unique to PFAS substances; other recent developments in environmental coverage

Franklin D. Cordell, Esq.
Gordon Tilden Thomas & Cordell ~ Seattle, WA

2:00 Practical Tips for Approaching PFAS Cases

The interplay between PFAS claims and the evolution of regulatory standards over time: Lessons from the early PFAS cases on selecting and developing theories of liability

Robert A. Bilott, Esq.
Taft Stettinius & Hollister ~ Cincinnati, OH

Lessons from Exxon Valdez for agencies needing to get up to speed quickly on a new environmental damage crisis

Craig R. O'Connor, Esq.,
Special Counsel for Natural Resources
National Oceanic and Atmospheric Administration
Seattle, WA

Valuing damaged natural resources: The broad range of potentially damaged resources including special issues for sites involving Tribal fishing rights and cultural resources

William H. Desvousges, Esq., President
W H Desvousges & Associates Inc ~ St Augustine, FL

3:30 Speaker Evaluation Poll and Adjourn

Who Should Attend

Litigators, environmental attorneys, and consultants embroiled in the rapidly growing area of PFAS litigation, legal and technical water practitioners, land use planners, and other environmental professionals

About the Conference

This comprehensive two-day conference focuses on the emerging wave of PFAS litigation involving sites in the Pacific Northwest. PFAS chemicals do not break down in the environment, have adverse health effects, and have been estimated to be present in the bodies of 99% of the U.S. population. As a result, cities and states, as well as the US EPA, have begun to issue guidance and, in some cases, Maximum Contaminant Levels (MCLs), surface water quality standards, and groundwater quality standards for PFAS.

We have assembled a group of distinguished experts to help you most effectively participate in litigation arising from PFAS contamination. You'll hear from experts on the chemistry, sources, persistency in the environment, and resulting health impacts, with an eye toward building the best possible record.

On the legal side, we'll discuss regulatory responses, liability theories and defenses, special issues for cases involving federal facilities, risk management for potentially responsible parties, and practical tips for approaching PFAS cases.

We hope you'll join us for what promises to be a lively discussion. To keep everyone safe during the pandemic, this will be an interactive Zoom broadcast.

This includes the virtual reception at the end of the first day. Grab your favorite beverage and snack to join us for a less formal conversation about what is happening in the PFAS litigation world.

~ Jeff B. Kray, Esq. of Marten Law and
Ralph Palumbo, Esq. of Yarmuth Wilsdon, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$745. For students, people in their job for less than a year, and public interest NGO's, our rate is \$497.50. All rates include admission to all program sessions and course materials. Make checks payable to Law Seminars International.

As a added value bonus, you'll receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, September 8, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for 11:00 WA MCLE, 11:00 AICP planner, and 11:00 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

Jeff B. Kray, Program Co-Chair, is a partner at Marten Law focusing on environmental litigation. He represents businesses and local government on issues including emerging contaminants (including PFAS) in water supplies and cost recovery.

Ralph H. Palumbo, Program Co-Chair, is a partner at Yarmuth Wilsdon. His environmental litigation experience includes hazardous and toxic substances, clean air, clean water, and natural resource damages.

Robert A. Bilott is a partner at Taft Stettinius & Hollister. He brought the very first PFAS environmental exposure case in 1999 and is the author of "Exposure", which served as the basis for the recently released movie "Dark Water".

Franklin D. Cordell is a partner at Gordon Tilden Thomas & Cordell. He is one of the Northwest's premier insurance recovery lawyers.

William H. Desvousges, Ph.D. is President of W H Desvousges & Associates Inc. He specializes in natural resource damage assessment (NRDA), including groundwater injuries.

Jessica K. Ferrell is a partner at Marten Law. In her environmental and natural resource litigation practice, she represents public and private clients under a multitude of federal and state laws.

Jennifer Field, Ph.D., teaches Environmental and Molecular Biology at Oregon State University. Her current research focuses on the development and application of quantitative analytical methods for organic micropollutants and their transformation products in natural and engineered systems.

Heather Forth, Ph.D. is a Senior Associate at Abt Associates.

Gary P. Gengel is a partner at Latham & Watkins and is Chair of the New York Office's Environment, Land & Resources Department. He represents companies in key environmental matters.

Shawn D. Hagerty is a partner at Best Best & Krieger. He works with public agencies on federal and state water quality and water supply laws, including water quality standards.

Rachel Jacobson is special counsel to WilmerHale. Before joining the firm, she served as Deputy General Counsel of Environment, Energy and Installations at the Department of Defense. She also served at the Department of the Interior as Principal Deputy Solicitor.

Anne E. Lynch is a partner at Van Ness Feldman. She has represented businesses, governments, and Tribes at some of the nation's largest Superfund sites.

Craig R. O'Connor is Special Counsel for Natural Resources at the National Oceanic and Atmospheric Administration. He provides legal advice to the National Marine Fisheries Service and the National Ocean Service.

Derek Pell is Deputy Director for Operations at the Washington Department of Health Office of Drinking Water. He is a licensed Civil Engineer and a Board Alumni of Water1st International. It supports sustainable water and toilet projects for the world's poorest communities to break the cycle of extreme poverty.

Jaana Pietari, Ph.D., PE is Senior Managing Consultant at Ramboll. She focuses on environmental remediation, the fate and transport of contaminants, hydrogeological assessments, the reconstruction of environmental releases to groundwater and sediments, and environmental forensics.

Tarek Saba is a Principal Scientist & Office Director for Exponent. He focuses on reconstruction of chemical releases (tracking sources and timing), fate and transport of chemicals.

Clifford T. Schmitt is Principal Hydrogeologist and Co-Founder of Farallon Consulting. His experience in cleanup project management includes PFAS characterization and remediation.

Brian J. Walsh is Policy and Planning Section Manager for the Washington Department of Health Office of Drinking Water. He supervises an interdisciplinary staff responsible for drinking water rules, ground water technical support, municipal water policy, emergency response planning, legislation, program planning, compliance, and capacity development.

Amy Wilson, Ph.D., P.E., is Technical Director of the Center of Research and Expertise at TRC Companies Inc. Her PFAS focus is on sampling complexities, source identification, treatment, and risk-based site management.