



THE NATIONAL FORUM FOR ENVIRONMENTAL AND TOXIC TORT ISSUES

26th Annual Conference

Union League Club
Chicago, IL

September 25 – September 27, 2019

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AGENDA

Wednesday, September 25, 2019

5:00 – 7:00 pm Networking Reception

Thursday, September 26, 2019

7:00 – 8:00 am Continental Breakfast

7:50 – 8:00 am Opening Remarks

8:00 – 9:00 am Environmental Updates
· Update on Federal and State Environmental Litigation

Michael F. Aylward
*Morrison Mahoney, LLP
Boston, Massachusetts*

9:00 – 10:00 am Glyphosate: Getting into the Weeds on the Science, the Litigation and the Analysis of Future Claim Risk
· Glyphosate's Connection to Disease Processes and Conditions
· Analysis of Verdicts, Pending Claims, New Claims
· Where Glyphosate-based Claims May Head

Joseph Cagnoli, Esq.
*Goldberg Segalla, LLP
Philadelphia, Pennsylvania*

Andrew Scholz, Esq.
*Goldberg Segalla, LLP
New York, New York*

Marc Scarcella
*Roux Associates, Inc.
Arlington, Virginia*

10:00 – 10:15 am Break

10:15 – 10:45 am Diminishing Wetlands: Are They Beginning to Erode Policy Limits?
· Wetlands Law
· Duty to Defend vs. Duty to Indemnify
· Insurance Policy Provisions

Sidney Degan
*Degan, Blanchard & Nash
New Orleans, Louisiana*

10:45 – 11:45 am The Re-emergence of a Persistent, Festering and Static Chemical Compound-PFAS
· Per- & Polyfluoroalkyl Substances and Regulation
· Environmental Threats Posed by PFAS and PFOA
· Risk Management and How Insurance Can Help Transfer Risk

Jennifer Martin
*Hepler Broom, LLC
Springfield, Illinois*

Rodger Anderson
*Hanson Professional Services Inc.
Illinois*

Jamie Langes
*Tokyo Marine Specialty Insurance Co.
Cynwyd, Pennsylvania*

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Thursday, September 26, 2019 (Continued)

11:45 – 12:15 pm	Trade Journal Information for Asbestos Litigation <ul style="list-style-type: none">· How Plaintiffs and Defendants Can Use Trade Journals· Trade Journal State-of-the-Art Different Today· Trade Journals Suggest Less Widespread Knowledge of Dangers of Asbestos	Edward A Miller <i>Steptoe & Johnson PLLC Canonsburg, Pennsylvania</i> James J.A. Mulhall <i>Steptoe & Johnson PLLC Bridgeport, West Virginia</i>
12:15 – 1:00 pm	Lunch	
1:00 – 1:30 pm	The Fear of All Sums <ul style="list-style-type: none">· All sums vs. Pro Rata Allocation· The Pros and Cons of Allocation Frameworks· Hybrid True Up Model For Allocation	Richard M. Garner <i>Collins Roche Utley & Garner Columbus, Ohio</i>
1:30 – 2:00 pm	Privatized Remediation: Giving the Consultant the Regulator’s Pen <ul style="list-style-type: none">· NJ LSRP Perspective on Privatized Remediation· Attorney Perspective on Privatized Remediation	Steve Barnett <i>Connell Foley LLP Roseland, New Jersey</i> Dan Lattanzi <i>First Environment, Inc. Boonton, New Jersey</i>
2:00 – 2:30 pm	BAP-1: Red Herring, Eggshell, or Silver Bullet <ul style="list-style-type: none">· Asbestos and Mesothelioma Connection· BAP-1 Genetic Condition· How the Courts Treat BAP-1 Arguments	S. Christopher Collier <i>Hawkins Parnell & Young, LLP Atlanta, Georgia</i>
2:30 – 3:00 pm	Relatively “Exclusive”: A National Overview of Employer Liability for Toxic Torts <ul style="list-style-type: none">· Workers’ Compensation Exclusive Remedy· Occupational Injury Caused by Exposure to Toxic Torts· Challenges to Exclusivity	Michael D. Martinez <i>Matushek Nilles, LLC Chicago, Illinois</i>
Boarding between 3:30 – 4:00 pm Departs at 4:00 pm Returns at 6:00 pm	FETTI ODYSSEY RIVER CRUISE RECEPTION 455 N Cityfront Plaza Drive, Chicago (Business Casual Attire)	

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7:00 – 8:00 am	Continental Breakfast	
8:00 – 9:00 am	Asbestos Update <ul style="list-style-type: none">· Update on Federal and State Asbestos Litigation	Mark A. Behrens <i>Shook, Hardy & Bacon, LLP Washington, D.C.</i> Mary Margaret Gay <i>Gay Jones & Kuhn PLLC Jackson, Mississippi</i>
9:00 – 9:30 am	The Kids Aren't Alright <ul style="list-style-type: none">· US Climate Change Litigation· Impact of Climate Change· The Insurance Perspective	Lind Stapley <i>Soha & Lang PS Seattle, Washington</i>
9:30 – 10:00 am	Risky Business: Regulatory Risk Assessment in the Courtroom <ul style="list-style-type: none">· Regulatory vs. Legal Causation· Linear No Threshold (LNT) Regulatory Model· Current Reassessment of LNT	Oded Burger <i>Goldberg Segalla New York, New York</i> Amanda Burns <i>Cardno Chemrisk Brooklyn, New York</i>
10:00 – 10:15 am	Break	
10:15 – 11:15 am	Cutting-Edge Techniques in Resolution of Natural Resource Damages Claims at Complex Superfund Sediment Sites <ul style="list-style-type: none">· NRD Liability Scheme Under CERCLA and State Laws· Emerging Techniques for NRD Resolution	Peter Mintzer <i>Selman Breitman, LLP Seattle, Washington</i> Scott Lockert <i>RestorCap, LLC Seattle, Washington</i> David C. Weber <i>Beveridge & Diamond PC Seattle, Washington</i>
11:15 – 11:45 am	Navigating Talc Litigation: A view from the mine to bankruptcy <ul style="list-style-type: none">· Talc History: Industrial Talc vs. Cosmetic Use· Regulatory Issues Associated With Talc· Causation and Source Tracking	John McMeekin <i>Rawle & Henderson LLP Philadelphia, Pennsylvania</i>

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11:45 – 12:15 pm

Turning Up the Heat on Historic Policies: How and Why Policyholders Facing Climate Change Suits Will Try to Access Coverage Under Historic Policies

- Coverages Under Historic Policies For Climate Change
- Coverage Defenses to Climate Change Suits

Carl Pernicone
WilsonElser, LLP
White Plains, New York

12:30 pm – 1:00 pm

Business Meeting

This is a Business Casual Event

Business Casual Attire or better is permitted throughout the clubhouse with the exception of specific events for which a higher mode of dress (such as business Dress Attire, Black Tie or White Tie) is specified.

Business Casual Attire is defined as, for men, a collared shirt (including turtleneck) and slacks (without jacket or necktie). For women, **Business Casual Attire** includes slacks or skirt with a blouse or sweater.

The following are specifically prohibited (**except on floors 10 and above and when checking in or out of the Club guestrooms**):

Overalls, tee-shirts, trading jackets, cut-offs, sweatshirts, denim jackets and any clothing that is tattered or contains inappropriate messages. Blue jeans are not permitted in the clubhouse except on Saturdays before 6:00 pm, on Sundays and on Holidays.

If you must enter or exit the Club in Athletic Attire, please use the Athletic Entrance, located on Federal Street just south of the revolving-door entrance. To leave the club, take the elevator to the first floor and follow the signs marked "Athletic Exit."