



THE NATIONAL FORUM FOR ENVIRONMENTAL AND TOXIC TORT ISSUES

30th Annual Conference

Union League Club
Chicago, IL

September 25 – September 27, 2024

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AGENDA

Wednesday, September 25, 2024

5:00 – 7:00 pm Networking Reception

Thursday, September 26, 2024

7:00 – 8:00 am Continental Breakfast

7:50 – 8:00 am **Opening Remarks**

8:00 – 8:45 am **Coverage Update 2024**

- Recent Decisions/Pending Cases Impacting Coverage for Environmental and Mass Tort Claims
- Key Issues for Coverage Disputes Over Emerging Risks
- Overview of Major Bankruptcy Decisions Impacting Insurers in Mass Tort Claims

Patricia Santelle
*White & Williams
Philadelphia, PA*

8:45 – 9:30 am

Surveying the Landscape of Toxic Torts – An Overview of Talc, Silica, Microplastics, Lead and Hair Relaxer Litigation

- Observed Trends From: Outside Counsel, Claims and Scientific Perspectives
- Litigation Across the Country: What Is Occurring, What We Expect and Future Developments
- Rulings and Trends That Impact the Toxic Tort Landscape

Kelly Mowen
*Orndorff Mowen PLLC
Scott Depot, WV*

Amy Fitzpatrick
*Coaction Specialty
Insurance Group
Morristown, NJ*

Emily Goswami
*Roux Inc.
Oakland, CA*

9:30 – 10:00 am

How My Ancestors Helped Me Better Defend Cases

- Background on Novel/Non-Traditional Discovery Sources
- Identifying Sources Available to Aid in Discovery
- Use of Sources in Litigation

Thomas Crawford
*Litchfield Cavo
Chicago, IL*

10:00 – 10:15 am

Break

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10:15 – 11:00 am	<p>PFOA/PFAS Hazardous Substance Designation and the Impact of EPA’s Discretionary Enforcement Memorandum</p> <ul style="list-style-type: none">• CERCLA liability• EPA’s Discretionary Enforcement Policy• The impact on Insurers, Real Property Transactions and Litigation	<p>Nicholas Rigano <i>Rigano LLC Melville, NY</i></p> <p>Brian Gross <i>MG+M The Law Firm Boston, MA</i></p> <p>Christopher De Carlo <i>The Vertex Companies, LLC Branchburg, NJ</i></p>
11:00 – 11:45 am	<p>Prepared and Proactive Steps for Handling Your Next (or First) Catastrophic Loss</p> <ul style="list-style-type: none">• Examples and Case Studies of Managing Catastrophic Events• Interacting With Local Responders, Regulatory Agencies, Media, and Cleanup Contractors• Origin and Cause Investigation• Management of the Claim: Coverage Determinations, Investigation and Preparing for Litigation	<p>Russell Greatorex <i>GEI Consultants Atlanta, GA</i></p> <p>Yvette Nadgir <i>Westfield Specialty Berkeley Heights, NJ</i></p> <p>Chad Stepan <i>Meagher & Geer PLLP Minneapolis, MN</i></p>
11:45 – 12:15 pm	<p>Paraquat and Parkinson’s Disease: Neurotoxic Pesticide or Laboratory Tool?</p> <ul style="list-style-type: none">• Paraquat’s Use as Herbicide and Its Toxicity• 5,000+ Cases in MDL• Link Between Paraquat Exposure and Parkinson’s Disease• Scientific Perspectives and Legal Updates on Paraquat and Parkinson’s Disease	<p>Derek Drechsel <i>CTEH Golden, CO</i></p>
12:15 – 1:00 pm	<p>Lunch</p>	
1:00 – 1:45 pm	<p>PFAS Coverage Litigation; Latest Developments on Coverage for Forever Chemical-Related Claims</p> <ul style="list-style-type: none">• Cutting-Edge Coverage Issues Distinct to PFAS Claims• Status of Current PFAS Coverage Litigations• What Does the Future Hold for PFAS Coverage Issues	<p>Charles Browning <i>Plunkett Cooney, PC Bloomfield Hills, MI</i></p>
1:45 – 2:30 pm	<p>Facing Downstream Challenges: Understanding the Impacts of Lead Pipe Replacement</p> <ul style="list-style-type: none">• Overview of the 2021 Bipartisan Infrastructure Law• Potential Claims and Lawsuits Arising from Lead Replacement Activities• Medical Analysis - Exposure and Risk Assessment	<p>Audrey Anyaele <i>Maron Marvel Jersey City, NJ</i></p> <p>Rob Petti <i>Maron Marvel Chicago, IL</i></p> <p>Hung Cheung, MD <i>Cogency Environmental, LLC Baltimore, MD</i></p>

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2:30 – 3:00 pm

Environmental Impairment Liability Coverage, Emerging Exposures, and Claim Trends

- Risk and Coverage for Site-Based, Services-Based and Professional-Based Environmental Insurance
- Coverage Limitations, Sub-Limits, and Exclusions in Environmental Impairment Liability Policies
- Coverage Issues from Underwriting, Claims and Coverage Perspectives
- Emerging Exposures and Emerging Issues Regarding Traditional Exposure Claims

Micheal DiSantis

*Tressler LLP
Pittsburgh, PA*

Robert Burkholder

*Berkley Environmental
Philadelphia, PA*

Carolyn Wendorf

*Berkley Environmental
Chicago, IL*

Boarding between
3:30 – 4:00 pm
Departs at 4:00 pm
Returns at 6:00 pm

FETTI - SPIRIT OF NAVY PIER COCKTAIL CRUISE
RECEPTION
Navy Pier

(Business Casual Attire)

Buses will be available to transport attendees to the pier leaving at 3:15 pm

Friday, September 27, 2024

7:00 – 8:00 am

Continental Breakfast

8:00 – 8:45 am

Asbestos Litigation: Over-Naming, Trust Transparency and Other Developments

- Update on Asbestos Litigation Trends and Strategy
- Over-Naming in Asbestos Cases and Reforms to Address Over-Naming
- Defense Counsel Tools to Combat Over-Naming

Mark Behrens

*Shook, Hardy & Bacon, LLP
Washington, D.C.*

Mary Margaret Gay

*Gay Jones & Kuhn PLLC
Jackson, MS*

Fred Schaefer

*Nationwide Insurance
Wausau, WI*

8:45 – 9:45 am

A Fine Balance: Ethical Decision Making in Environmental Contamination Cases

- Ethics in Environmental Claims
- Ethical Tensions Among the Duties of Confidentiality, Disclosure, Reporting and Evidence Preservation
- Conflicts of Interest and How to Resolve Them
- Unique Ethical Considerations in Mediating Environmental Claims

Erin Poppler

*Edlin Gallagher Huie +
Blum
San Francisco, CA*

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Friday, September 27, 2024 (continued)

9:45 – 10:15 am

Wetlands Protection After *Sackett*

- Defining Wetland
- How the Definition of “Waters of the United States” Has Been Utilized and Modified
- *Sackett v. EPA* and Cases Since
- Future of Wetlands Protection Under New Definition of “Waters of the United States”

Sidney Degan, III

*Degan, Blanchard & Nash
New Orleans, LA*

10:15 – 10:30 am

Break

10:30 – 11:00 am

A New Age in Climate Change Regulation

- New/Updated Climate Change Rules, Regulations and Impacts for Insurers
- Climate Change Regulation Affected by New Technologies, Including Artificial Intelligence
- Environmental Justice Influences on Climate Change Policy and Regulation

Sarah Mangelsdorf

*Goldberg Segalla LLP
St. Louis, MO*

Anna Kohut

*Goldberg Segalla LLP
St. Louis, MO*

Kieran Purcell

*Rimkus
Austin, TX*

11:00 – 11:45 am

Litigating the Periodic Table

- Lessons From Litigating the Elements: Be, Cr, Hg, Pb and K
- Risk, Risk Avoidance and Risk Limitations
- How to Transfer Risk

John C. McMeekin II

*Rawle & Henderson LLP
Philadelphia, PA*

Brandie Thibodeaux

*MG+M
New Orleans, LA*

Cassidy Starkey

*Lockton Insurance
Philadelphia, PA*

Edward Tobin

*McCoakey Insurance &
Benefits
York, PA*

W. Mark Edwards

*Page, Mannino, Peresich &
McDermott
Biloxi, MS*

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Friday, September 27, 2024 (continued)

11:45 – 12:15 pm

Mounting Litigation Over PFAS In Biosolids and Implications for Insurance Carriers

- PFAS in Biosolids Become a Problem
- Overview of Government Response
- Nature and State of Current Litigation and Catalysts of Future Trends
- Underwriting and Claims Handling Processes

Ryan Stifter
Roux Inc.
Oakland, CA

Brianna J. Schroeder
Janzen Schroeder
Agricultural Law, LLC
Indianapolis, IN

12:30 – 1:00 pm

Business Meeting

This is a Business Casual Event.

The Union League Club is an elegant experience. All club members and their guests are asked to dress appropriately.

A relaxed, well-dressed look described as ‘Smart Casual’ is welcomed throughout the club. Smart Casual may include jeans, denim, and collarless shirts. Smart Casual attire or better is permitted throughout the Clubhouse with the following exception:

In the Wigwam during lunch and evening meals expected attire is Business Casual or better. (Business Casual includes collared shirt, including turtleneck, slacks or skirt with blouse or sweater. Dress denim is not considered Business Casual.)

Individual Event dress code will be defined by each event (e.g. black tie, white tie, Business, casual, etc.). Event notices will contain dress code requirements. If no dress code is stated, the expected attire by default is “Smart Casual.”