



## Sedina L. Banks

Partner

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Sedina Banks is a partner in Greenberg Glusker's Environmental Group. Specializing in regulatory compliance and environmental litigation, Sedina uses her decades of experience to craft creative solutions to complex problems.

She counsels and represents a broad array of clients including property owners, municipalities, and companies in a wide range of environmental matters related to regulatory compliance, contaminated properties, CEQA, water quality, and air quality issues, and real estate transactional support. Sedina has represented clients in investigation, enforcement, and remedial matters involving the United States Environmental Protection Agency, the California Regional Water Quality Control Boards, California air districts, the California Department of Toxic Substances Control, and the California UST Fund.

She has successfully negotiated settlements on behalf of her clients for greatly reduced penalties in matters involving water quality and air quality violations, including the successful dismissal of an environmental criminal action. Sedina has also litigated in federal and state courts at all stages, including obtaining favorable verdicts for her clients in two federal jury trials.

She represents clients with consumer product compliance, advertising, and labeling matters including requirements pursuant to California's Proposition 65, the Federal Trade Commission, and the Food and Drug Administration. She also represents clients in the defense of consumer protection claims brought under federal and state law including California's Consumers Legal Remedies Act (CLRA), Unfair Competition Law (UCL), and False Advertising Law.

### Professional Affiliations

- Advisory Board Member, Roberts Environmental Center
- Executive Committee, Nevada State Bar Environmental & Natural Resources Section
- Member, California Lawyers Association, Environmental Law Section
- Member, Urban Land Institute

## Awards

- Nominee for *L.A. Times B2B Publishing's* Inspirational Women Leadership Awards, 2024
- *Los Angeles Business Journal*, Thriving in Their 40's, 2023
- *Best Lawyers*, Ones to Watch, 2021–2022
- *Southern California Super Lawyers Rising Stars*, 2009–2018
- *Southern California Super Lawyers*, 2023–2025

## Bar Admissions

- California
- Nevada

## Court Admissions

- United States District Courts for the Central, Northern, Eastern and Southern Districts of California
- United States Court of Appeals for the Ninth Circuit

## Education

- University of California, Davis School of Law (J.D., 2003)
- Claremont McKenna College (B.A., *cum laude*, 2000)

# Experience

## REGULATORY AND ADMINISTRATIVE

- Negotiated a settlement on behalf of a client on a claim brought by the San Joaquin Valley Air Pollution Control District for alleged violations that carried millions of dollars in potential penalties for a nominal fine.
- Represents the largest dairy processing cooperative in California on air permitting issues (including Title V facilities), advocacy, and negotiation with the regional air district.
- Represented a large agricultural client in connection with significant enforcement action brought by the Santa Barbara Air Pollution Control District.
- Advised a large agricultural client on the Distributed Generation Certification Regulation and PERP requirements.
- Advised client on California's cap and trade program and allocation of carbon allowances.
- Has represented dairy trade groups in multiple air quality matters including successfully representing respondent-intervenor Dairy Cares in Association of Irrigated Residents v. EPA, Ninth Circuit Case No. 13-73398, in defending EPA's retroactive amendment of its 2004 approval of the San Joaquin Valley Air Pollution Control District Rules into the California State Implementation Plan. The Ninth Circuit denied the petition (*Ass'n of Irrigated Residents v. EPA*, 790 F.3d 934 (9th Cir. 2015)).

- Negotiated a settlement on behalf of a client of a claim brought by the South Coast Air Quality Management District for a nominal fine when over \$100,000 in penalties were at issue.
- Represented clients in California State Water Board petitions for review of Regional Water Board actions.
- Represented the owner and operator of a mobile home park in an administrative civil liability action brought by the Regional Water Quality Control Board, Los Angeles Region, for the alleged violation of certain Regional Board Orders. The client was potentially liable for almost \$6 million in penalties and the prosecution was recommending \$1.6 million in penalties in a heavily litigated case. After a lengthy administrative hearing, the Regional Board ruled that the client was only liable for a penalty of \$54,500.
- Ongoing representation of a mobile home park owner in dealings with regulatory agencies including the Regional Water Quality Control Board, Los Angeles Region and local municipality.
- Negotiated settlement with the California Air Resources Board for alleged air emissions violations for a de minimis penalty.
- Obtained dismissal on behalf of a client of a criminal action brought by the Los Angeles County District Attorney for water quality violations.
- Obtained full reimbursement on behalf of a client from the California UST Fund for a decades-old claim.
- Obtained expedited permitting relief from the South Coast Air Quality Management District to conduct critical repairs to part of client's over \$180 million biosolids facility.
- Represented client in over \$2 million claim brought by the Los Angeles County Sanitation District, resulting in determination that no payment was required.
- Responds to EPA 104(e) requests for information.
- Assist clients in all aspects of industrial storm water permitting including development of Storm Water Pollution Prevention Plans (SWPPP), best management practices (BMPs), and advanced BMPs.
- Negotiated settlement on behalf of a client in a CERCLA action brought by the Environmental Protection Agency.
- Represented an agricultural client in the defeat of an urgency ordinance imposing a temporary moratorium on the cultivation of industrial hemp within Plumas County, California.
- Obtained on behalf of various commercial/industrial clients "no further action" or "site closure" determinations for formerly contaminated properties including negotiation of voluntary cleanup agreements and land use covenants.
- Counsel clients in all aspects of environmental rulemakings including submission of comments to EPA.
- Ongoing representation of former owners and operators of contaminated properties in dealings with regulatory agencies including the Regional Water Quality Control Board, Los Angeles Region.
- Represented a client in a multi-year, millions of dollars project to replace its wastewater treatment system.
- Conduct site assessments for storm water compliance.

## **LITIGATION**

- Has served as special counsel to the City of Culver City for decades in connection with the regulation of oil and gas activities within the Inglewood Oil Field – the largest urban oil field in the United States.

- Represented petitioner City of Culver City in City of Culver v County of Los Angeles, Los Angeles County Superior Court Case No. BS118023 in CEQA action challenging the County of Los Angeles' approval of an EIR in connection with new regulations for oil and gas operations within the county. The litigation settled and our client recovered much of its attorneys' fees.
- Represents the City of Culver City in connection with a precedential ordinance to phase out production of oil wells and require the cleanup and proper abandonment of related facilities in the City portion of the Inglewood Oil Field.
- Co-chaired a federal jury trial in which the jury found in our client's favor based upon a violation of his federal civil right to equal protection of the laws under the United States Constitution in connection with a municipal open-bid process for the redevelopment of property.
- Co-chaired a federal jury trial in which we represented the owner of real property in the defense of a lawsuit brought by an adjoining landowner asserting claims under CERCLA, RCRA, negligence, nuisance and trespass to recover damages for alleged contamination resulting from migration of impacts from our client's property. Obtained a jury verdict in client's favor as to claims for negligence, public nuisance and trespass. Obtained judgment in favor of our client as to claims under CERCLA and RCRA following a bench trial.
- Represented intervenor dairy trade groups in defending Fresno County's adoption of a zoning ordinance for the operation of commercial dairy and feedlot facilities from a CEQA challenge brought by the Medical Advocates for Healthy Air entitled *Medical Advocates for Healthy Air, et al. v. County of Fresno*, et al., Fresno County Superior Court Case No. 07CECG03844. The litigation settled.
- Negotiate settlements with public enforcers/citizen groups for storm water violations.
- Represents a Fortune 500 company in CERCLA cost recovery matters across the United States.
- Represented a Fortune 500 company in a major CERCLA action in Southern California.
- Successfully represented the City of Culver City in defending an action brought by an oil company challenging the city's issuance of a moratorium on all new drilling.
- Represents petitioners in CEQA actions challenging agency actions.
- Intervened on behalf of dairy trade groups in litigation challenging regulation of dairies in the San Joaquin Valley resulting in a reported decision favorable to our clients. *Ass'n of Irrigated Residents v. San Joaquin Valley Unified Air Pollution Control Dist.*, 168 Cal.App.4th 535 (2008).
- Defend industrial companies in Clean Water Act suits for violation of the California industrial storm water permit.

## **CONSUMER PRODUCTS, LABELING, AND ADVERTISING LAW**

- Compliance counseling, including under the "Clear and Reasonable Warnings" provision of California's Proposition 65, representing all sectors of business from food and beverage, health and beauty, apparel, consumer goods, home goods, automotive parts, and building supplies.
- Counseling regarding responding to a California's Proposition 65 Notice of Intent to Sue.

- Defends manufacturers, distributors, and producers in consumer protection claims involving labeling, product testing, advertising, and chemical profile under federal and state laws, including California's Consumers Legal Remedies Act (CLRA), Unfair Competition Law (UCL), and False Advertising Law.
- Negotiated settlement with the California Air Resources Board for violation of the Consumer Products Regulations.
- Advises clients on product labeling requirements including compliance with U.S. Food and Drug Administrative requirements and law, U.S. Federal Trade Commission requirements and law, and children's products labeling law.
- Advises clients on environmental marketing claims including sustainability claims and "green marketing" claims under federal and California state law.
- Represents food manufacturers, distributors, packagers, and retailers in matters involving consumer claims and regulatory compliance.
- Advises clients on California Air Resources Board's Consumer Products Regulatory Program.
- Advises clients on the Modernization of Cosmetics Regulation Act.
- Advises clients on the United States International Trade Commission requirements.

#### **ENVIRONMENTAL TRANSACTIONAL**

- Advises clients on all aspects of environmental due diligence including the "all appropriate inquiries" requirement for acquisition of properties across the United States.
- Advises clients on obtaining CERCLA innocent landowner protections.
- Negotiates on behalf of commercial/industrial clients environmental access agreements and easement agreements for site characterization and remediation.
- Negotiates on behalf of commercial/industrial clients environmental indemnity agreements.
- Negotiates with lenders on behalf of commercial/industrial clients regarding the acquisition or refinance of contaminated or potentially contaminated properties.
- Advises commercial/industrial clients in conducting environmental audits of operations and reporting requirements.
- Negotiates on behalf of commercial/industrial clients voluntary cleanup agreements and land use covenants.
- Advises corporate clients on environmental strategy and due diligence in mergers and acquisitions, asset purchases, and deal structuring, including evaluating environmental risks, securing and transferring permits, and ensuring compliance with applicable environmental laws and regulations.

## Insights

April 8, 2025

**Handling the truth**

*Recycling Today*

March 20, 2025

**Players Throughout the Value Chain Weigh in on the State of the Industry**

*Sourcing Journal*

February 21, 2025

**37 Greenberg Glusker Attorneys Selected to 2025 Southern California Super Lawyers and Rising Stars**

*Super Lawyers*

January 31, 2025

**Greenberg Glusker Represents LiteGear in Sale to Chauvet**

January 29, 2025

**Greenberg Glusker Represents Environmental Remedies, Inc. in Sale to ICV Partners**

January 7, 2025

**New Year, New Rules: What companies need to know about Prop 65**

*Food Dive*

January 6, 2025

**Californians are coming for your ballot**

*POLITICO*

December 2, 2024

**Clock Ticking for Companies to Comply With California PFAS Laws**

*Bloomberg Law*

November 26, 2024

**California's food safety overhaul: From label to table**

*Food Dive*

November 14, 2024

**Partners Sedina Banks and Sherry Jackman Nominated for L.A. Times B2B Publishing Inspirational**

**Women Leadership Awards**

*L.A. Times B2B Publishing*

October 13, 2024

**Did Exxon lie about recycling? California widens climate fight with 'kind of new' legal strategy.**

*Yahoo! Finance*

September 11, 2024

**Climate Risks Call For Proactive Resilience, Pros Say**

*Law360*

July 2, 2024

**Safeguarding Your Business Against Consumer Claims**

*Los Angeles Business Journal*

June 6, 2024

**Judge dismisses CEQA lawsuit, clears way for proposed reservoir near Sacramento**

*Daily Journal*

May 30, 2024

**Mitigating risk from consumer claims**

*Legal Dive*

May 13, 2024

**CEQA streamlining works, lawyers say. But can California's courts keep up?**

*Daily Journal*

May 10, 2024

**Greenberg Glusker Represents Central Valley Meat in Strategic Acquisition of Cargill Beef Processing Facility in Fresno**

*Greenberg Glusker Press Release*

May 6, 2024

**Environmental Partner, Sedina Banks, Featured in L.A. Times Food & Beverage Roundtable**

*Los Angeles Times B2B Publishing*

April 25, 2024

**It's Raining Stormwater NOV's in California**

*Facility Executive*

April 4, 2024

**Green Marketing: Tips to Avoid the Dirty Consequences of Greenwashing**

*Lady Justice - A Publication of the Primerus Women Lawyers Section*

March 25, 2024

**'Major questions' lawsuits threaten Biden's new clean car rule**

*E&E News*

March 5, 2024

**California's Sweeping Climate Disclosure Laws Facing Court Challenge, But That Doesn't Mean You Can Disregard Them**

*Corporate Compliance Insights*

February 7, 2024

**California Emissions Disclosure Suit Foreshadows SEC's Obstacles**

*Bloomberg Law*

January 29, 2024

**California's Proposed Change to Small Warning Label Could Have Big Repercussions**

*Corporate Compliance Insights*

January 10, 2024

**28 Greenberg Glusker Attorneys Selected to 2024 Southern California Super Lawyers**

*Super Lawyers*

January 5, 2024

**California's Proposals for Chemical Warnings Spur Business Ire**

*Bloomberg Law*

January 3, 2024

**Eco-Friendly Marketing Claims Face Scrutiny by State Lawmakers**

*Bloomberg Government*

December 18, 2023

**Partner Sedina Banks Recognized in Los Angeles Business Journal's "Thriving in Their 40's" List**

*Los Angeles Business Journal*

October 30, 2023

**What Businesses Need to Plan for in 2024**

*Los Angeles Business Journal*

June 25, 2023

**How wildfire smoke should change the way companies think about return to office**

*CNBC.com*

May 31, 2023

**Cosmetics makers latest to challenge Prop. 65 labels**

*Daily Journal*

May 5, 2023

**Clothing Companies Are Being Targeted with PFAS Liability**

*Sourcing Journal*

February 6, 2023

**The EPA's New Enviro Site Assessment Standard: Key Points**

*Law360*

January 10, 2023

**31 Greenberg Glusker Attorneys Selected to 2023 Southern California Super Lawyers**  
*Super Lawyers*

September 23, 2022

**ASTM Adopts a New Phase I Environmental Site Assessment Standard**  
*NAIOP - Development Magazine Fall 2022 Issue*

July 20, 2022

**California's Prop. 65 – what the cannabis industry should know**  
*Daily Journal*

June 23, 2022

**California's Prop. 65 – The law consumers may ignore, but cannabis businesses shouldn't**  
*L.A. Cannabis News*

January 1, 2022

**Greenberg Glusker Elevates Five Attorneys to Partner**

November 10, 2021

**Environmental Insurance: Paper Worth Millions**  
*Nevada Lawyer*

August 19, 2021

**29 Greenberg Glusker Attorneys Named to 2022 Best Lawyers® List**

July 19, 2021

**From Soup to Nuts: A Round-Up of Legal Guidance for Food & Beverage Companies**  
*Los Angeles Business Journal*

February 1, 2021

**WARNING: Ability to Use Proposition 65 Short-Form Warnings May be Short Lived**

August 20, 2020

**28 Greenberg Glusker Attorneys Named to 2021 Best Lawyers® List**

June 29, 2018

**WARNING: New Proposition 65 Requirements Effective August 30, 2018**  
*Greenberg Glusker Client Alert*

June 7, 2018

**14 Greenberg Glusker Attorneys Named Super Lawyers Rising Stars**

Spring 2017

**Lesson on Regulatory Reporting Requirements, Environmental Law News**  
*Environmental Law Section, State Bar of California*

January 23, 2015

**Public Entities Can Inadvertently Waive Privilege in Response to a Public Records Act Request**

November 26, 2014

**CEQA Lead Agencies Do Not Waive Defense that CEQA Did Not Apply Despite Proceeding under CEQA**

April 22, 2014

**Beware What Lies Beneath: Vapor Intrusion Increases Potential Liability for Past and Present Owners and Operators**

*Los Angeles Daily Journal*

February 19, 2014

**Avoiding Superfund Liability: EPA Adopts New Standard for Phase I Environmental Site Assessments**

*Primerus*

June 1, 2012

**Green Building Coming to a Property Near You**

*Greenberg Glusker Client Alert*

June 15, 2009

**Thirteen Greenberg Glusker Attorneys Recognized As Rising Stars**

*Super Lawyers*

January 2007

**Due Diligence And Cost Recovery**

*Urban Land Institute Magazine*

November 2006

**Commercial Lease Law Insider**

November 2006

**Shopping Center Management Insider**

November 2006

**Professional Office Building Management**

November 2006

**Commercial Tenant's Lease Insider**

March 2006

**New Rules For Environmental Due Diligence**

*Real Estate Southern California*

April 1, 2003

**The "Erin Brockovich Effect": How Media Shapes Toxics Policy**

*U.C. Davis, Environs, Environmental Law & Policy Journal*

## Events

March 26, 2025

**CLE Last Dash | Beyond Chevron: Courts vs. Agencies in a New Era**  
*Online*

December 17, 2024

**Environmental Law Essentials for In-House Counsel: Successfully Navigating Notices of Violation**  
*Webinar*

December 4, 2024

**Beyond Chevron: Courts vs. Agencies in a New Era**  
*Webinar*

September 23, 2024

**2024 Prop. 65 Conference**  
*San Francisco, CA*

June 13, 2024

**Consumer Claims Litigation: Trends, Challenges and Strategies**  
*Webinar*

May 29, 2024

**Consumer Claims Litigation: Trends, Challenges, and Strategies**  
*Webinar*

April 18, 2024

**SoCal Women in Leadership Luncheon**  
*Jonathan Club*

April 4, 2024

**Consumer Claims Litigation: Trends, Challenges and Strategies**  
*Regal Theater at L.A. Live*

March 30, 2024

**Raiders Foundation Silver & Black Gala**  
*Wynn Las Vegas - Cristal Ballroom*

January 25, 2024

**CLE Last Dash | Environmental NOV's: Decode, Respond, and Prevail**

September 18, 2023

**2023 Prop. 65 Conference**  
*Julia Morgan Ballroom, Merchant Exchange Building*

August 30, 2023

**Greenwashing and its Dirty Consequences**

*Virtual*

January 24, 2023

**Greenwashing and its Dirty Consequences**

*Virtual via Zoom Webinar*

October 13, 2022

**The Environmental Law Conference at Yosemite® 2022**

April 12, 2022

**California Dairy Sustainability Summit**

*Virtual*

January 27, 2022

**CLE Last Dash | From Dirt to Air: Current Topics in Environmental Law**

*Virtual via Zoom Webinar*

July 13, 2021

**California's Proposition 65: Background, Compliance, and Strategy**

June 23, 2021

**California's Proposition 65: Background, Compliance, and Strategy**

October 17, 2019

**2019 Environmental Law Conference at Yosemite**

*Tenaya Lodge at Yosemite*

August 2016

**Buyer Beware: Lessons in Environmental Due Diligence**

*Douglas County Nevada, Bar Association*

October 2006

**Buyer Beware: New EPA Due Diligence Standards Effective November 1, 2006 Will Impact All Commercial Real Estate Transactions**

*West LA Investment Marketing Forum*

## Tox of the Town

Where the Law and the Environment Connect. **Tox of the Town** is a blog written by attorneys in Greenberg Glusker's Environmental Law Group. With years of legal, technical, and business know-how experience, we look

forward to providing our readers with timely updates on environmental issues. Subscribe to our blog today to receive updates on changing environmental laws, regulatory and compliance issues, ongoing litigation, and more.

May 7, 2025

#### **Judicial Burn: Court Declares Proposition 65 Acrylamide Warning Unconstitutional**

Acrylamide, a Proposition 65-listed substance that naturally forms in the cooking and heating of many plant-based foods, has been the focus of court action over the past six years. However, companies will no longer be required to warn for dietary...

April 14, 2025

#### **Paper Problems: BPS in Thermal Receipts Triggers Prop. 65 NOVs**

California shoppers might be getting more than just a receipt at checkout—they may also be exposed to a toxic chemical, according to Proposition 65 (“Prop. 65”) enforcer Center for Environmental Health (CEH) represented by Lexington Law Group. Prop. 65...

April 11, 2025

#### **Countdown to Compliance: California’s New “Recyclable” Labeling Law**

The 18-month clock is now ticking for businesses to comply with California’s Senate Bill (SB) 343, also known as the “Truth in Recycling” law, which addresses permissible recyclable claims. In 2021, California passed SB 343, which creates stricter requirements...

March 13, 2025

#### **Moving Targets: Multi-State EPR Packaging Laws—Key Updates & Deadlines**

Across the country, states are enacting so called “Extended Producer Responsibility” (EPR) laws aimed at reducing plastic waste and shifting the cost of recycling these plastics from the consumer back to the producer. This is done primarily by establishing...

February 28, 2025

#### **When Wildfire Toxins Contaminate Stormwater: Essential IGP Compliance Steps**

On February 14, 2025, the California State Water Resources Control Board (State Water Board) issued a compliance guidance letter for industrial facilities subject to the Statewide Industrial Stormwater General Permit (IGP) and located in wildfire-affected counties under a Governor-declared...

December 17, 2024

#### **Beyond Chevron: Courts vs. Agencies in a New Era**

Examining the Implications of the Supreme Court’s Shift on Chevron Deference

The legal landscape regarding federal agency authority fundamentally changed in 2024 with the Supreme Court’s decision in *Loper Bright Enterprises v. Raimondo*. This landmark case dismantles the Chevron deference standard, reshaping the balance of power between courts and...

December 16, 2024

### **California Proposition 65: Approved Changes Overhaul Safe Harbor Warnings**

On December 6, 2024, the Office of Environmental Health Hazard Assessment (OEHHA), the lead California regulatory agency tasked with implementing California's Proposition 65, issued a notice stating that the Office of Administrative Law approved changes to the Prop 65...

December 2, 2024

### **How California's PFAS Laws Are Changing the Consumer Product Landscape**

Two California laws, AB 1817 and AB 2771, will regulate PFAS in textiles and cosmetics starting January 1, 2025. These "forever chemicals" are linked to health risks and are challenging to detect due to their low concentrations in global supply...

November 26, 2024

### **California Leads with New Food Safety Laws**

California has taken a major step in food safety and sustainability with the passage of Assembly Bill 660 (AB 660) and the California School Food Safety Act (AB 2316), signed into law by Governor Gavin Newsom on September 28...

October 18, 2024

### **Finalized Acrylamide Warnings and Related Legal Showdown**

This week, the Office of Environmental Health Hazard Assessment (OEHHA) announced that the proposed Prop. 65 additional safe harbor warning options for acrylamide have become final. The safe harbor options will be included in Title 27, California Code of...

October 18, 2024

### **Prop. 65 Halloween Special: More Tricks than Treats for California Restaurants**

It's been more tricks than treats this season for restaurants located in California. In the past few weeks, there have been over 100 California Proposition 65 60-day notices of intent to sue issued on behalf of claimant Golden State...

October 2, 2024

### **California Prop 65 Suit Targets PFAS in Feminine Care Products**

On Monday, consumer group, Ecological Alliance, LLC, filed a lawsuit against the makers of the Carefree brand of menstrual liners, Edgewell Personal Care Brands, LLC, alleging that the liners contained perfluorooctanoic acid (PFOA), one of the per &ndash...

September 30, 2024

### **Stronger Building Standards and Impacts on Property Insurance, Development Financing, and Affordability**

As climate change continues to shape the real estate landscape, developers and insurers alike are feeling the impact. Stronger building standards, aimed at mitigating risks from wildfires, floods, and sea level rise, may lower the cost of property insurance...

June 12, 2024

**Will Makeup Get a Makeover? Titanium Dioxide in Cosmetics**

UPDATE : On June 12, 2024, the U.S. District Court for the Eastern District of California entered a preliminary injunction in *The Personal Care Products Council v. Bonta*. The order provides, in pertinent part, "Defendant, his officers, employees, and...

June 11, 2024

**Yolo County Ruling: First CEQA Process Streamlined Under SB 149**

California took a significant step in streamlining the California Environmental Quality Act (CEQA) process with the passage of SB 149, a law that allows the California Governor to certify certain infrastructure projects for judicial fast-tracking. The law requires courts...

April 26, 2024

**It's Raining Stormwater NOVs in California - 7 Tips For Responding To An IGP NOV**

Responding to a California General Industrial Storm Water Permit (IGP) NOV can be a complex matter. Read the full article on Facility Executive for tips we've developed to facilitate success. Excerpt: After many years of drought, in late 2023 and...

April 19, 2024

**US EPA Designates Two PFAS Compounds as "Hazardous Substances" Under CERCLA**

It's finally happened. The US Environmental Protection Agency has designated two widely used PFAS compounds, PFOA and PFOS, as "hazardous substances" under CERCLA. PFAS are man-made chemicals used for decades and found in many different commercial, industry, and consumer...

April 4, 2024

**Update: SEC Voluntarily Stays Climate Regulations**

On April 4, 2024, rather than waiting for the Eighth Circuit to issue a ruling on plaintiffs' pending emergency motion for an administrative stay of the SEC's final rule regarding the Enhancement and Standardization of Climate-Related Disclosures for Investors...

April 3, 2024

**CARB and the Attorney General Defend California's Groundbreaking Climate Change Disclosure Laws in Court**

As previously posted, in a landmark legal challenge, a coalition led by prominent business federations is challenging California's pioneering climate disclosure laws, Senate Bill 253 (the Climate Corporate Data Accountability Act) and Senate Bill 261 (the Climate-Related Financial...

March 8, 2024

**California's Climate Disclosure Mandates Face Legal Challenges**

In a landmark legal challenge, a coalition led by prominent business federations is challenging California's pioneering climate disclosure laws, Senate Bill 253 (the Climate Corporate Data Accountability Act) and Senate Bill 261 (the Climate-Related Financial Risk Act). These regulations mandate...

February 7, 2024

### **What to Know About the Recent OEHHA Hearings**

The California Proposition 65 short-form warning saga continues. We authored articles in both Bloomberg Law and Corporate Compliance Insights to discuss what businesses should know from the recent California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) hearings. California's Proposition...

January 8, 2024

### **Modernization of Cosmetics Regulation Act - What Companies Need to Know**

Beginning on December 29, 2023, the Modernization of Cosmetics Regulation Act (MOCRA) became effective. Signed into law on December 29, 2022, MoCRA significantly expands the U.S. Food and Drug Administration's (FDA) authority to regulate cosmetic products and related businesses by...

January 4, 2024

### **Eco-Friendly Marketing Claims Face Scrutiny by State Lawmakers**

In today's eco-conscious world, consumers are showing a growing preference for environmentally responsible companies. In a recent Bloomberg article, I spoke with staff correspondent Brenna Goth to discuss the importance of companies being truthful and cautious when making environmental benefit...

November 6, 2023

### **OEHHA Proposes Sweeping Changes to California's Proposition 65 Warning Requirements**

On October 27, 2023, the Office of Environmental Health Hazard Assessment (OEHHA), the lead California regulatory agency tasked with implementing California's Proposition 65, proposed significant changes to the Proposition 65 warning requirements that may impact businesses' Proposition 65 compliance...

June 29, 2023

### **Wildfires and its Implications for Companies**

As the world grapples with the increasing impact of climate change, one pressing issue is the management of air quality in the workplace. In a recent CNBC article, I spoke with reporter Cheryl Winokur Munk to discuss the importance...

April 19, 2023

### **U.S. Supreme Court Declines to Review Decision Blocking Prop. 65 Acrylamide Cancer Lawsuits**

For those following the acrylamide saga (see, e.g., our earlier blog post ), on Monday of this week, the U.S. Supreme Court declined to review the injunction blocking new Prop. 65 lawsuits as to cancer warning labels on foods...

February 6, 2023

### **The EPA's New Enviro Site Assessment Standard: Key Points**

On Dec. 15, 2022, after a yearlong wait, the U.S. Environmental Protection Agency took final action to approve the new ASTM International standard for conducting Phase I environmental site assessments, officially known as ASTM E1527-21, "Standard Practice for Environmental...

February 3, 2023

### **What is Greenwashing?**

In a recent webinar, "Greenwashing and its Dirty Consequences," I spoke about what greenwashing is, some examples, types of claims, and referencing the Federal Trade Commission's Green Guides for guidance. What is greenwashing? That is the question of the...

January 20, 2023

### **California's Proposition 65: New "Safe Harbor" Warning Option for Acrylamide**

Acrylamide, a Proposition 65-listed substance that naturally forms in the cooking and heating of many plant-based foods, has been the focus of regulatory and court action over the past few years. As we previously reported , there is currently...

December 15, 2022

### **At Last - EPA Approves the New ASTM Phase I Environmental Site Assessment Standard**

On December 15, 2022, the United States Environmental Protection Agency (EPA) took final action to approve the new ASTM International standard for conducting Phase I environmental site assessments. As previously noted , ASTM adopted the revised standard, officially known as...

October 24, 2022

### **Update on California's Regulation of PFAS – Governor Newsom Vetoes AB 2247**

Last month, we reported regarding recent actions taken by the California Legislature in the regulation of per – and polyfluoralkyl substances ("PFAS"). By way of background, PFAS are man-made chemicals used for decades and found in many different commercial...

September 23, 2022

### **ASTM Adopts a New Phase I Environmental Site Assessment Standard**

Environmental Partner, Sedina Banks, published "ASTM Adopts a New Phase I Environmental Site Assessment Standard" in the Fall 2022 issue of NAIOP's Development Magazine. In her article, she discusses the revisions made to ASTM's Phase I environmental site assessment standard...

September 7, 2022

### **Recent Developments in the Regulation of PFAS**

In response to the growing concern regarding per – and polyfluoralkyl substances ("PFAS"), the federal government and California have taken recent actions to regulate PFAS. By way of background, PFAS are man-made chemicals used for decades and found in...

February 18, 2022

### **Who is Subject to California's Proposition 65 Warning Requirements?**

Environmental Law Partner, Sedina Banks, presented a webinar "California's Proposition 65: Background, Compliance, and Strategy" to members of the Association of Corporate Counsel - Southern California and the International Society of Primerus Law Firms. In this video clip, she discusses who is...

November 10, 2021

**Environmental Insurance: Paper Worth Millions**

Your client calls frantic because he has just been served with a lawsuit from an adjacent property owner who claims that the historic dry-cleaning operations on your client's property have contaminated the groundwater. The complaint seeks millions of dollars...

September 7, 2021

**Back to School for Administrators: New K-6 Ban List and Laws Regulating Art Supplies**

As schools reopen and in-person learning resumes, school teachers and administrators should be aware of laws regulating the purchasing of art supplies in schools. A preview of some of these laws is as follows: The California Education Code (Cal...

April 29, 2019

**Even Your Parking Structure Violates Prop 65**

The Prop 65 "Clear and Reasonable Warnings" updates that became effective in August 2018 contain lots of traps for the unwary, including one that you might not have noticed: tailored Prop 65 warnings are required at each of the public...

September 28, 2016

**Shell Pays Big for Double Dipping with the UST Fund**

Last week, the California State Water Resources Control Board (State Water Board) announced that it permanently banned 100 of Shell Oil Company's underground storage tank (UST) claims from the California UST Cleanup Fund (Fund) for allegedly claiming reimbursement through...

March 17, 2016

**California Supreme Court Finds that a Public Agency Cannot Inadvertently Waive Attorney-Client and Work Product Privileges**

Last year, I wrote about the Second Appellate District case of *Ardon v. City of Los Angeles*. In *Ardon*, the appellate court found that a public agency can waive statutory privileges that it otherwise would have if it produces...

September 15, 2015

**Can a Public Agency Inadvertently Waive Attorney-Client & Work Product Privileges? First and Second Appellate District Split on the Issue**

In January, I wrote about the Second Appellate District case of *Ardon v. City of Los Angeles*. In *Ardon*, the court found that a public entity can waive statutory privileges that it otherwise would have if it produces privileged...

January 22, 2015

**Public Entities Can Inadvertently Waive Privilege in Response to a Public Records Act Request**

California's Public Records Act (PRA) law requires public entities to make their public records open for inspection and copying. Environmental practitioners often use PRA requests as a tool to obtain information regarding a contaminated or a potentially contaminated site...

November 26, 2014

**The Sunset Will Last a Little Longer - UST Fund Extended**

On September 25, 2014, Governor Brown signed SB 445 (Hill) Underground storage tanks; hazardous substances: petroleum: groundwater and surface water contamination into law (UST Law). The UST Law was an urgency measure that took effect immediately. The UST Law...

November 26, 2014

**CEQA Lead Agencies Do Not Waive Defense that CEQA Did Not Apply Despite Proceeding under CEQA**

Recently, the court in Rominger v. County of Colusa found that a lead agency which approved a mitigated negative declaration for a project, can take the seemingly inconsistent position that the proposed project was not a California Environmental Quality...

January 6, 2014

**ASTM Issues New Standard For Phase I Environmental Site Assessments**

On November 6, 2013, ASTM revised its standard for conducting Phase I environmental site assessments, known as Standard E1527-13 (entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process"). ASTM E1527-13 is the first revision to the ASTM Phase I...

January 6, 2014

**City's Decision to Not Prepare an EIR Upheld Under Substantial Evidence Standard**

Earlier this month, in Latinos Unidos De Napa v. City of Napa, the California Court of Appeals upheld the city of Napa's determination that it did not have to prepare an environmental impact report (EIR) under the California Environmental Quality...

August 28, 2012

**California State Water Board's Low-Threat UST Case Closure Policy Is Now Effective**

On May 1, 2012, the California State Water Resources Control Board (SWRCB) adopted via Resolution No. 2012-0016 the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure (Low-Threat Closure Policy). The Low-Threat Closure Policy finally became effective on August 17th. This should be...

June 1, 2012

**Green Building Coming to a Home Near You**

Yesterday, the California Energy Commission unanimously approved energy efficiency standards for new homes and commercial buildings. The new 2013 Building and Energy Efficiency Standards (Standards), which take effect on January 1, 2014, are projected to be 25 percent more efficient than previous standards for residential...

April 30, 2012

**CVS Settles Hazardous Waste Suit**

In a settlement reached in mid-April, CVS Pharmacy Inc. (CVS) agreed to pay almost \$14 million to settle claims that it improperly stored and disposed of hazardous waste at its drugstores in California. In a suit brought in Ventura...

April 25, 2012

**Parties Can Toll CEQA Statute of Limitations**

Last week, in *Salmon Protection and Watershed Network v. County of Marin*, the California Court of Appeals found that a public agency and a party disputing the adequacy of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) can...

April 11, 2012

**Does Your City Make the Energy Star Cut?**

The U.S. Environmental Protection Agency (EPA) released today the annual list of metropolitan cities with the most Energy Star certified buildings for 2011. To earn EPA's Energy Star, commercial buildings must perform in the top 25 percent of similar buildings nationwide and must...

April 3, 2012

**Sackett v. EPA – Supreme Court Allows Pre-Enforcement Review of Clean Water Act Compliance Orders**

On March 21st, the United States Supreme Court unanimously ruled that the Sackett family has a right to challenge a pre-enforcement compliance order from the Environmental Protection Agency (EPA) before EPA initiates a formal enforcement action in *Sackett v. EPA*. The Sacketts own...

March 8, 2012

**Settling Party Barred from Bringing a CERCLA Section 107(a) Claim**

This week, in the case of *Solutia, Inc. and Pharmacia Corp. v. McWane, Inc.* (*Solutia*), the Eleventh Circuit held that a party that performs a cleanup in compliance with a consent decree has no right under the Comprehensive Environmental Response, Compensation...

February 8, 2012

**State Water Board May Soon Adopt the Low-Threat UST Case Closure Policy**

Last week, the California State Water Resources Control Board (SWRCB) gave notice of public opportunity to comment on its proposed April adoption of the Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure (Low-Threat Closure Policy). This should come as welcome news...

January 25, 2012

**Greenhouse Gas Data Just a Click Away**

Earlier this month, the United States Environmental Protection Agency (EPA) released for the first time comprehensive greenhouse gas (GHG) data through EPA's GHG Reporting Program. The 2010 GHG data includes publicly accessible information from sources in nine industry groups that directly emit...

January 19, 2012

**Cabazon Band of Mission Indians Agrees to Air Quality Rules**

In a landmark agreement, the South Coast Air Quality Management District (SCAQMD) reached a "government-to-government" agreement with the Cabazon Band of Mission Indians to enforce some of the SCAQMD's air quality regulations on tribal land. The SCAQMD is the air pollution...

January 10, 2012

**Sackett v. EPA – Supreme Court to Decide Whether Pre-Enforcement Review of Compliance Orders Allowed**

On Monday, the United States Supreme Court heard oral argument on *Sackett v. Environmental Protection Agency* (docket no. 10-1062). At issue is whether a party who was issued a pre-enforcement compliance order from the Environmental Protection Agency (EPA) has the right to have...

January 6, 2012

**Environmental Groups Bring Suit Against EPA to Require Air Monitoring Along So-Cal Freeways**

Tuesday, the Natural Resources Defense Counsel (NRDC), Physicians for Social Responsibility-Los Angeles and Communities for a Better Environment brought a suit against the Environmental Protection Agency (EPA) for EPA's approval of the South Coast Air Quality Management District's (SCAQMD) 2011 Annual Air Quality Monitoring Network Plan...

January 5, 2012

**Life in the Green Lane – Carpool Privileges to be Given to Qualifying Cars**

At the start of the year, California began offering green clean air vehicle decals to purchasers or lessees of cars meeting California's Enhanced Advanced Partial Zero Emission Vehicle requirements. These decals enable a single driver to drive in the carpool lane...

January 3, 2012

**Quebec Joins California In Adopting a Cap-and-Trade Program**

As our readers know, we have been following the cap-and-trade regulations both domestically and abroad. Quebec recently joined California in adopting a cap-and-trade regulation for greenhouse gas (GHG) emission allowances based on the rules established by the Western Climate Initiative (WCI). WCI is a collaboration of independent jurisdictions, including California...

July 29, 2011

**We'll All Be Driving Cleaner By 2025**

President Obama announced today an agreement with thirteen major automakers to commence the next phase of the Administration's program to increase fuel efficiency standards to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025. EPA and the...

July 22, 2011

**No Longer Running On Fumes: Air Board Approves \$40 Million in Additional Funding for Clean Vehicles**

As my colleague posted last month, California's popular Clean Vehicle Rebate Project (CVRP) was in jeopardy of running out of funds by this month. The program, funded by California's Air Resources Board (ARB), provides vouchers or rebates on a first-come, first-served basis toward the...

June 15, 2011

**CARB'S AB 32 Scoping Plan Environmental Analysis – Take Two**

On Monday, the California Air Resources Board (CARB) released a Supplement to the environmental analysis (known as the Functional Equivalent Document) of the 2008 AB 32 Scoping Plan. The Supplement provides CARB's revised analysis of the alternatives to the greenhouse gas reduction measures proposed in...

June 3, 2011

**No Second Guessing EPA: CERCLA Citizen Suit Cannot Interfere With Ongoing Cleanup**

This week, the Ninth Circuit ruled that the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) does not give a federal district court jurisdiction to adjudicate claims for past noncompliance with an order issued by the Environmental Protection Agency (EPA). The decision, *Pakootas v...*

April 22, 2011

**The GREENing of Greenberg Glusker**

In honor of Earth Day, we thought we'd share some of the steps that Greenberg Glusker has taken to be more green. Last year, Greenberg Glusker completed its office remodel in true green fashion. We recycled and reused materials from...

April 15, 2011

**Arizona Tribe First to Adopt International Green Building Code**

As our regular readers know, we have been closely following California's efforts toward mandating green building requirements both state-wide (through CalGreen) and locally. In a sure sign that green building is here to stay, the Kayenta Township, a political...

February 17, 2011

**Bill Introduced to Delay Implementation of the Global Warming Solutions Act**

California Assemblywoman Shannon Grove recently introduced Assembly Bill 333, which seeks to delay California's AB 32, commonly known as the Global Warming Solutions Act. Adopted in 2006, the Global Warming Solutions Act aims to reduce California's greenhouse gas (GHG) emissions to 1990 levels...

January 21, 2011

**Panel Concludes Carbon Capture and Storage Part of the Answer to California's GHG Emissions**

In a final report released last week, a review panel consisting of experts from industry, trade groups, academia and an environmental organization concluded that there was a public benefit to utilizing carbon capture and storage (CCS) for reducing greenhouse gas (GHG) emissions in...

December 14, 2010

**Court Upholds Pay to Pollute Rule**

Last week, the Ninth Circuit ruled that the federal Clean Air Act does not preempt the San Joaquin Valley Air Pollution Control District (Air District) from requiring certain developers to either reduce their polluting emissions from their construction activities or pay a fee...

December 12, 2010

**Happy 30th Superfund**

30 years ago tomorrow, Congress passed the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which is commonly known as the Superfund law. CERCLA, which Congress amended in 1986, was created to address the most contaminated properties in the United States and...

September 14, 2010

**The Clean Air Act Turns 40**

Today is the 40th year anniversary of the passage of the Clean Air Act. This landmark legislation, which Congress revised and expanded in 1990, provides the Environmental Protection Agency (EPA) with the authority to regulate air pollutant emissions. EPA is celebrating the Clean Air Act's anniversary...

August 20, 2010

**Logging Road Stormwater Runoff Subject to the Clean Water Act**

In a long-anticipated decision, the Ninth Circuit Court of Appeals ruled this week that stormwater – largely rainwater – that runs off of logging roads into streams and rivers must be permitted under the Clean Water Act (CWA). This decision (Northwest...

August 6, 2010

**There's a "Canary" in My Water – EPA Software Detects Hazardous Contaminants in Drinking Water Systems**

Bringing to mind the old adage "canary in a coalmine," the Environmental Protection Agency (EPA) announced this week its innovative water quality software aptly named "Canary." Developed by EPA scientists in collaboration with the Department of Energy (DOE), the Canary software...

July 29, 2010

**EPA Refuses to Reconsider its Greenhouse Gas Endangerment Findings**

As we previously reported, in December of last year, EPA determined that climate change caused by emissions from greenhouse gases endangered the public welfare and the environment. These so-called "endangerment findings," while not directly imposing requirements on industry or other...

July 9, 2010

**What's Coming Down the River – How EPA's Designation of the Los Angeles River as a "Navigable Waterway" May Impact Future Development**

As reported by the Los Angeles Times, the U.S. Environmental Protection Agency (EPA) designated the entire 51-mile, concrete lined Los Angeles River a "traditional navigable water," under the Clean Water Act on Wednesday. Although it may be hard to picture...

June 10, 2010

**It's Not Over Yet – Parties Can Join in Litigation to Oppose EPA Settlements, Court Says**

The Ninth Circuit recently joined the Eighth and Tenth Circuits in finding that non-settling parties can intervene in litigation to oppose settlements between the U.S. Environmental Protection Agency and other settling responsible parties under the Comprehensive Environmental Response, Compensation...

May 14, 2010

**The Race to Regulate Greenhouse Gases**

It has been an interesting week for the regulation of greenhouse gas emissions with the unveiling of Senator Kerry and Lieberman's energy and climate change legislation and the Environmental Protection Agency's (EPA) plans to regulate greenhouse gases. However, Congress's...

April 19, 2010

**Public Hearing Held Today on EPA's Proposed Rule to Require Petroleum and Natural Gas Facilities to Report GHG Emissions**

In March, we reported that the EPA signed a proposed rule that will require petroleum and natural gas facilities emitting 25,000 metric tons of carbon dioxide equivalent or more to report GHG emissions including methane, carbon dioxide and nitrous...

March 22, 2010

**EPA Proposes to Require Petroleum and Natural Gas Facilities To Report GHG Emissions**

On March 22, 2010, EPA signed a proposed rulemaking that would require petroleum and natural gas facilities emitting 25,000 metric tons of carbon dioxide equivalent or more to report GHG emissions including methane, carbon dioxide and nitrous oxide. The...

March 15, 2010

**California Supreme Court Rules that Air District Must Use Existing Conditions as the Baseline for Environmental Review**

On March 15, the California Supreme Court in *Communities for a Better Environment v. South Coast Air Quality Management District* ruled that the South Coast Air Quality Management District violated the California Environmental Quality Act or CEQA when it...

December 10, 2009

**EPA Takes the First Step Toward Federal Regulation of GHGs in Finding that GHGs Are an Endangerment to the Public Health and Welfare**

On December 7, 2009, the EPA issued two findings regarding GHGs: (1) GHGs threaten the public health and welfare of current and future generations and (2) the combined emissions of the GHGs from new motor vehicles and new motor...

## Client Comments

During the *Chambers USA Guide* feedback process, clients provided high praise for Sedina's work and client service:

- She is top-rated, detailed, straightforward and advocates for her client. She does not hesitate to ask questions on technical matters.
- She's very forceful and tenacious in her arguments. She is quite a good attorney.
- She has incredible technical knowledge and is able to understand really scientific reports. She is also just great at client service, being prompt and asking the right questions. I would work with her again and refer others to her.
- Sedina is thorough, comprehensive and responsive. She is always willing to step in and assist at a moment's notice and her work is excellent. She is a pleasure to work with.
- She is very efficient and effective. I have complete confidence in her work.