Overview
Carol Brophy is a seasoned litigator representing clients in environmental law, administrative law, and state and federal litigation. She represents a wide range of companies in matters involving federal and California laws including Proposition 65, California Unfair Trade Practice (UCL), the Food, Drug and Cosmetic Act, the California Clean Air Act, the Porter-Cologne Water Quality Act, the California Environmental Quality Act, and other state and local regulations.

Carol’s background as both an engineer and an environmental assessor enables her to apply these skills to not only the legal aspects of compliance, but the scientific and technical aspects as well. She has extensive experience developing cost-effective compliance solutions for manufacturers and chemical processors, working both with clients’ in-house technical staff and consulting scientists. Carol also assists multinational companies in meeting the complex product importation, labeling, and formulation requirements imposed by US and international law. She provides assistance to clients in negotiating permit limits and defending compliance orders.

Bar & Court Admissions
- California
- US District Court, Central District of California
- US District Court, Eastern District of California
- US District Court, Northern District of California
- US District Court, Southern District of California
- US Court of Appeals, Ninth Circuit

Education
- J.D., Southwestern University School of Law
- M.F.A., Yale University
- A.B., Stanford University
Areas of Work
Regulatory Litigation

Chemicals & Environment

Environmental, Product, & Mass Tort

Chemicals

Life Sciences

Food and Feed Safety, Compliance, and Contact Materials

Representative Matters

- **Environmental Research Center v. Aloe Vera, et al.** - Obtained verdict after trial that foods and dietary supplements do not require Proposition 65 warnings. The verdict included an award of defense costs of $566,212, which is the largest and most significant defense cost award in the history of Proposition 65.

- **Brimer v. Giftcraft** - Obtained an adjudicated dismissal with prejudice on the eve of trial setting. Case involved Proposition 65 claims of lead and DEHP exposure in various consumer products. Giftcraft had developed dispositive expert and testing evidence that the exposure to the listed chemicals were well below the safe harbor values. In addition, Giftcraft was prepared to defend on statute of limitation and on the ground that the prosecution was in “bad faith” as the plaintiff was aware any alleged violation had been cured prior to filing the initial case.

- **Held v. Amerisource Bergen** - Obtained an adjudicated dismissal with prejudice of Proposition 65 claims that consumers were exposed to DINP in protective gloves. Dismissal was obtained after the court deemed the case complex at Ms. Brophy’s request, who was also seeking to consolidate over a dozen other lawsuits for trial. With the client out of the litigation, the other defendants settled with the plaintiff.

- **Consumer Advocacy Group v. Big Lots, et al.** - Obtained and adjudicated dismissal prior to trial, with award of costs. The plaintiff dismissed after the chemical at issue—Diaminotoluene (mixed), used in cosmetics—was removed from the Proposition 65 list.

- **Delisting of Diaminotoluene (Mixed)** from the Proposition 65 list of carcinogenic chemicals. Delisting resulted from a Petition to Reconsider Listing submitted to California’s Office of Health Hazard Assessment (OEHHA). Delisting of a chemical is exceedingly rare, and to our knowledge this action was the first time a chemical has been administratively delisted based on a petition.
News & Publications

PUBLICATIONS
Could 'Unconstitutional Compelled Speech' be the Beginning of a Broad New Defense in Prop 65 Cases?
Chemical Watch
August 6, 2020
By: Carol R. Brophy, Dennis E. Raglin

CLIENT ALERTS
Court Overturns Prop. 65 Warning for Glyphosate as Unconstitutional Compelled Speech: The Beginning of a Broad New Defense in Prop. 65 Cases?
June 25, 2020

CLIENT ALERTS
California Adopts Stricter Limits on Lead and Cadmium in Jewelry
October 8, 2019
By: Stephanie A. Sheridan, Carol R. Brophy, Danielle E. Vallone

CLIENT ALERTS
Prop 65 Plaintiffs Targeting 80% of Leather Goods
July 11, 2019
By: Stephanie A. Sheridan, Carol R. Brophy

CLIENT ALERTS
Proposed Clarifying Changes to Proposition 65 “Clear and Reasonable” Warning Regulations
November 30, 2018
By: Carol R. Brophy

MEDIA MENTIONS
Law360 Cites Carol Brophy on California’s Prop 65 Coffee Case
October 15, 2018

PRESS RELEASES
Steptoe Secures Court Approval of Consent Judgment Establishing Prop 65 'Safe Content' Levels for Phthalates in Fishing Lures
September 20, 2018

MEDIA MENTIONS
Inside EPA Quotes Amantea, Brophy on Global Impacts of California’s Prop. 65
August 23, 2018

CLIENT ALERTS
Prop 65 “Clear and Reasonable” Warning Regulations Coming in August 2018
May 3, 2018
By: Stephanie A. Sheridan, Carol R. Brophy

PRESS RELEASES
Steptoe Adds Seven-Lawyer Litigation Group in San Francisco and Chicago
Stephanie Sheridan leads group that expands firm’s Retail Industry practice and Class Action Defense practice
January 4, 2018
Events

WEBINARS

Innovative Defenses to Prop 65 Webinar Series: Part I

Does Wheat Growers v. Becerra Resurrect Constitutional Challenges to California’s Proposition 65?
August 13, 2020
Speakers: Carol R. Brophy, Seth Goldberg, Dennis E. Raglin

WEBINARS

A Closer Look at Prop 65 Compliance in the Electronics Industry

co-sponsored by Chemical Watch
October 10, 2018
Speaker: Carol R. Brophy

WEBINARS

Proposition 65 Compliance Roadmap

co-sponsored by Chemical Watch
July 24, 2018
Speaker: Carol R. Brophy

WEBINARS

Prop 65 Webinar for Retailers: New Warning Regulations Ahead

July 11, 2018
Speakers: Stephanie A. Sheridan, Carol R. Brophy

WEBINARS

California’s New Proposition 65 Warning Regulations

co-sponsored by Chemical Watch
June 26, 2018
Speaker: Carol R. Brophy

Previous Employment

• Environmental Manager, Rockwell

Professional Affiliations

• San Francisco Bar Association, Environmental Law Section
• San Francisco Bar Association, Litigation Section
• State Bar of California Association
• American Bar Association, Administrative Law Section
• American Bar Association, National Resources and the Environment Section

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