



831 F Street
Sacramento, CA 95814
Telephone (916) 553-3111
Fax (916) 553-3250

Dufour Law Office

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Legal & Regulatory Representation and Compliance Services

Curriculum Vitae
James T. Dufour

PROFESSIONAL FIELDS AND CREDENTIALS:

Environmental and OSHA Attorney, Certified Industrial Hygienist (#1068)
Registered Environmental Assessor (#00548)

Admitted to Practice of Law California 1983 (#113111)
 Tennessee 1978 (#006139)

Expert Witness and Investigator Qualified as an Expert, San Diego County Superior Court
on Regulatory Issues and (*Thompson v. Port of San Diego*) October 1996;
Practices Sacramento County Superior Court (*People v. Carlton dba*
 American Plating), May 2001. Appointed Expert to Los
 Angeles Public Defender's Office by LA Superior Court,
 April 1998; U.S. District Court E.D. California (*Bild v.*
 McDonnell Douglas, et al. (September 2002); Los Angeles
 Superior Court (*McKenzie Group, et al. v. CA Hotel &*
 Lodging Assn., et al. re Proposition 65), August 2003.

EDUCATION

- B.S. in pre-med curriculum, University of Michigan, 1970.
- M.S. in Environmental and Industrial Health, School of Public Health, University of Michigan, 1972.
- Doctor of Jurisprudence (JD), Member of Law Review, University of Tennessee - College of Law, Knoxville, Tennessee, 1978.

AREAS OF EXPERTISE

- Environmental, Proposition 65 and Cal/OSHA Enforcement Actions Defense/Appeals
- Administrative Law, Notice of Violation Defense, Rulemaking Hearings
- Regulatory Appeals/Office of Administrative Law Rulemaking Reviews
- Chemical and Pesticide Product Use, Testing, and Regulations
- Contaminated Site Investigations, Cleanup Criteria and Negotiations
- Environmental/OSHA Compliance Audits
- Environmental Project Management Services

- Publications, Seminars, and Employee Training Materials
- Civil Litigation Consultant, Environmental and Toxic Tort Cases
- Environmental Crisis Management/Troubleshooting
- Expert Witness on Regulatory Issues in Environmental/OSHA Cases
- Safety and Health Plans and Training for Hazardous Waste Sites Investigations
- Comprehensive Corporate Regulatory Compliance and Governmental Relations Strategies

PROFESSIONAL EXPERIENCE

- Currently Regulatory Attorney and Advisor: Founder of Dufour Law Office in Sacramento, California, 1987. Practice specializes in litigation support and expert services, environmental and Cal/OSHA regulatory compliance and administrative enforcement defense, related civil litigation; government relations and lobbying; business transactions advice and counsel. A major emphasis of this practice is Regulatory Compliance Services through which advice and counsel are provided to clients in the interest of liability avoidance through preventative actions. Editor-in-Chief of the *California Regulatory Reporter*; former editor-in-chief of the publication, *California Regwatch* Newsletter of the California Chamber of Commerce and author of its Environmental and OSHA Compliance Library.
- 1985 – 1986 Counsel, Environmental and Labor Law, California Chamber of Commerce, Sacramento, California. Legal/technical expert on toxics, waste management, air, water and hazardous material laws and regulations. Registered Lobbyist for the areas of labor and environmental legislation.
- 1979 – 1985 Attorney, Regulatory Affairs, Stauffer Chemical Company, Richmond, California. Legal/technical counsel on health and environmental issues involving pesticides and other products. Developed and managed compliance programs at Western research and manufacturing facilities. Assistant to the Vice President, Environmental Affairs, Westport, Connecticut (from 1979-1981). Advised management on regulatory and product liability issues.
- 1978 – 1979 Attorney/Project Manager, Science Applications International Corporation (SAIC), McLean, Virginia. Consultant to EPA, OSHA and businesses on health and environmental projects, including litigation support, technical studies, and environmental and OSHA compliance audits. Litigation support included providing expert witness services to the U.S. DOJ for key water pollution enforcement cases as contractor to EPA.

1972 – 1978 Certified Industrial Hygienist, U.S. Department of Energy (AEC) Oak Ridge, Tennessee. Developed OSHA and environmental programs, conducted audits, and assured contractor facility compliance with regulatory requirements.

COMMITTEE APPOINTMENTS

2001 Member, Cal/OSHA Advisory Committee on Eyewash/Emergency Shower Standard [8 CCR § 5162] Revisions

1995 - 1998 Member, Department of Toxic Substances Control Regulatory Structure Update Advisory Committee

1994 – 1995 Member, Department of Toxic Substances Control Laboratory Regulatory Reform Task Force

1986 – 1991 Member, Cal/OSHA Advisory Committee

1985 – 1986 Member, Governor’s Task Force on Toxics, Waste Technology

1984 – 1985 Advisor, EPA Santa Clara Environmental Management Project

1982 – 1984 Chair, Chemical Industry Council Science Committee

1978 – 1982 Chair, American Industrial Hygiene Association, Law Committee

PUBLICATIONS, REPORTS AND PRESENTATIONS

ENVIRONMENTAL AUDITING

“How Stauffer Assures Environmental Compliance” presented to the Chemical Manufacturers’ Association Environmental Review Meeting; Atlanta, Georgia, January 26, 1982.

“Environmental Compliance One Chemical Company’s Approach” presented to the Conoco Environmental Council and Members of its Board of Directors, Stamford, Connecticut, April 21, 1981.

“Environmental Compliance Audits in the Chemical Industry” presented to the American Petroleum Institute’s Environmental Manager’s Workshop, Washington, D.C., January 22, 1981.

“An Independent Review of the University of California Department of Energy Contract Laboratories,” June 7, 1979 with T. Milby, et al.

REGULATORY COMPLIANCE PUBLICATIONS

“Prop 65 Exposure Assessments: Look at the Science Before You Leap to Judgment,” *Prop 65 News*, June, July, August, 1995.

Environmental Compliance Handbooks. Author of publications of the California Chamber of Commerce regarding Environmental Compliance:

- "California Environmental Compliance Handbook," First Edition 1993; Current Edition, 1998-90 (276 pages) and Environmental Organizer
- "Hazardous Materials/Community Right-To-Know Handbook," First Edition, May, 1986; Last Edition, 1992 (305 pages)
- "Hazardous Waste Management Handbook," First Edition, May, 1986; Current Edition, 1997-98 (468 pages)
- "Proposition 65 Handbook," First Edition (Dufour Publication), February, 1988; Current Edition, 1994 (275 pages)

OSHA Compliance Handbooks. Author of publications (also available on CD-ROM) of California Chamber of Commerce regarding workplace safety and Cal/OSHA compliance:

- "Cal/OSHA Handbook," Editor of First Edition, January, 1990; Author of Current Edition 2000 (334 pages) and CD ROM version.
- "SB 198 Handbook: The Injury and Illness Prevention Program" First Edition, June 1991 (212 pages), Last Edition January, 1995.
- "Hazard Communication Handbook," First Edition, May 1986; Current Edition, 1991 (123 pages).
- "Cal/OSHA Compliance in 10 Practical Steps," First and Current Edition, 1997 (204 pages).
- "Cal/OSHA Basics: Written Plans and Programs," First Edition, January 2000 (523 pages) and CD ROM version.

Hazardous Waste Management Manuals. Published by Dufour Environmental. Sponsored by State and National Laboratory Association:

- "Hazardous Waste Management Guide for California Laboratories." Sponsored by the Association of California Testing Labs (act LABS). First Edition, April, 1993 (over 500 pages).
- "Hazardous Waste Management Manual for Laboratories." Sponsored by The American Council of Independent Laboratories (ACIL). First Edition, October, 1994 (over 500 pages).

PRIVATELY SPONSORED PUBLICATIONS/MANUALS

“Private Company and Trade Organization Hazardous Waste and Hazardous Materials Manuals.” Clients have included: Unocal Corporation (1994), California Auto Dismantlers Association (1988 and 1993), California Sheet Metal and Air Conditioning Contractor’s National Association (1990), and Del Monte Foods, Inc. (2000).

“Private Company and Trade Organization Injury and Illness Prevention Programs.” Clients have included: California Hotel & Motel Association (1991), Printing Industry Association (1991), Chevron, USA (1991), Southern Pacific Railroad (1991), American President Lines (1991), Roseville Telephone Company (1991), Pacific Coast Producers (1991, 1995), California Optometric Association/Vision West (1998 to Present).

RISK ASSESSMENTS AND COMMENTARY

“Regulation of Emissions of Airborne Toxic Substances – Nuisance to Risk Assessment: An Analysis of AB 2588 the California Air Toxics Hot Spots Information and Assessment Act of 1987,” Western State Law Review, Volume 16, Number 1, Fall, 1988.

“Proposition 65, The Safe Drinking Water and Toxics Enforcement Act: Its Relation to Other Environmental/OSHA Requirements,” Western State Law Review, Fall, 1988.

“Testimony of W.C. Jaeschke before the U.S. EPA on Proposed Policy and Procedures for Identifying, Assessing and Regulating Airborne Substances Posing a Risk of Cancer,” March 12, 1980, Boston, Massachusetts, and the written comments of Stauffer Chemical Company.

“Comments of Stauffer Chemical Company on EEOC/OFCCP Guidelines on Reproductive Hazards in the Workplace,” June 30, 1980.

“NPDES Administrative Procedures Manual,” a Science Applications International Corporation (SAIC) project for the U.S. EPA Office of Water Enforcement, Washington, D.C., June, 1979, author with R. Browne, Esq.

“A Critical Review of Risk Assessments” presented to the American Industrial Hygiene Conference; Las Vegas, Nevada; May, 1985 with D. Paustenbach.

“The Engineer’s Role in Protecting Human Health – Legal Aspects.” Mechanical Engineering, 106:62-69, August, 1984 with D. Paustenbach.*

“Anatomy of Unreasonable Risk” presented by W.C. Jaeschke to the NY Academy of Sciences, March 27, 1980. Published in the Academy’s Annals, Volume 363, April 30, 1981.*

“Who Determines the Risks Associated with Energy Production” presented by the Sixth Life Sciences Symposium, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, September, 1978. Published in the AIHA Journal, December, 1979.*

SEMINARS AND CONFERENCES

“SB 198 Injury and Illness Prevention Program,” 1991. Sponsored by the California Chamber of Commerce. Fifty-eight day-long events covering safety program development. Approximately 8,000 attendees.

“Annual Environmental Update Crash Course,” 1988-2005. Sponsored by the California Chamber of Commerce. Eight day-long events each year covering all major aspects of environmental law and regulations. Approximately 400 attendees per year.

“Hazardous Waste Triple Header,” 1993. Eighteen day-long events covering hazardous waste management and on-site treatment permitting. Sponsored by the California Chamber of Commerce. Approximately 2,000 attendees.

“Proposition 65,” 1988 through 2002. Eight day-long events covering compliance with this unique California law. Sponsored by Dufour Seminars and the California Chamber of Commerce. Approximately 300 attendees per year.

Privately sponsored seminar events on these and other topics. Clients have included: Heublein (1994, 1995 and 1996), Unocal (1994, 1995 and 1996), Union Camp (1994), Sheet Metal and Air Conditioning Contractors (1990 and 1993), Honeywell (1992), and Sterling Drug (Lysol, Miniwax) (1988), So. Cal. Edison (1996, 1997), Noranda, Inc. and American Racing Products, Inc. (ten sessions of Manager OSHA Training in four states, 1997), Sacramento Municipal Utility District (SMUD) (1998), Del Monte Foods (2000) Duncan Enterprises (2000) and Santa Clara County (2004/2005)

“Hazardous Waste Management Certificate Training,” 1994-2005. Eight day-long events covering all aspects of hazardous waste management. Sponsored by the California Chamber of Commerce. Approximately 400 attendees per year.

“Cal/OSHA Compliance Training.” Eight to ten day-long seminars sponsored by the California Chamber of Commerce and *Regwatch* Newsletter. Presentations statewide 1996-2005. Approximately 500 attendees per year.

*Peer Reviewed journal publication.