



Joseph J. Green
Of Counsel

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About

Joe Green has established himself as a leading and respected practitioner in the environmental regulatory space. He understands that effectively guiding clients through a multidimensional regulatory landscape involves both the legal and the technical, the ability to translate complexity into clarity, and a talent for advancing business interests while addressing regulators' concerns.

Experienced with the range of federal environmental laws and state regulatory programs, as well as with European Union and international requirements, Joe has extensive knowledge regarding chemicals of concern, forever chemicals, PFAS matters, and California Proposition 65 issues, as well as antimicrobial pesticides and toxic substances regulation.

In both his compliance counseling and advocacy during investigations and enforcement actions, Joe's quick understanding of even the most complicated scientific concepts, and especially the science behind the regulation of chemical compounds, allows him to educate his clients and effectively engage with regulators.

Determining what is or is not safe is rarely a black-and-white issue, and Joe is valued for his proven skill in navigating his clients through and beyond such ambiguity.

Joe's ability to balance the critical legal components of a scenario and then present workable solutions and persuasive arguments demonstrates that he knows what it takes to ensure his clients succeed at every turn.

By adeptly setting people at ease when resolving challenges or negotiating the right compromise, he consistently finds paths and implements strategies that accomplish his clients' business goals in rational, scientifically sound, and cost-effective ways.

Joe has been involved in a wide variety of matters on behalf of large and small corporate clients and national trade associations, including counseling on regulatory development, compliance, and enforcement.

His experience includes chemical and product regulation under the Toxic Substances Control Act (TSCA) and state regulatory programs, California Proposition 65 compliance and enforcement defense, and the registration and marketing of antimicrobial pesticide products under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). He further provides counsel regarding European

(REACH, CLP, RoHS) and international chemical and product safety requirements. He also assists clients with TSCA and Emergency Planning and Community Right-to-Know Act (EPCRA) reporting, including the Toxic Release Inventory (TRI) program.

Additionally, Joe has extensive experience guiding clients through U.S. EPA, OSHA, and state regulatory processes, including the development of Clean Air Act air pollutant regulations, Clean Water Act Effluent Limitations Guidelines (ELGs), and Resource Conservation and Recovery Act (RCRA) hazardous waste determinations and corrective action. He also advises on Spill Prevention, Control, and Countermeasure (SPCC) plan development and compliance.

Joe is the author of the [Kelley Green Law Blog](#), a blog that provides timely and insightful analysis of the latest news and trends in the area of chemical regulation, with a particular emphasis on TSCA, FIFRA, California Proposition 65, and regulations that affect consumer and industrial products and materials. He is developing a comprehensive database of rules and regulations involving chemicals and consumer products.

Experience

Obtained groundbreaking “public health” registration for Antimicrobial Copper Alloys under U.S. EPA’s FIFRA program, the first-ever such EPA approval for a solid antimicrobial surface material.

Secured the first EPA nationwide FIFRA registration for a product to make residual claims of long-lasting effectiveness against viruses, including SARS-CoV-2, the virus that cause COVID-19.

Successfully resolved numerous actions brought by California “Proposition 65” plaintiffs for “failure to warn” for clients in the manufacturing, consumer product and retail sectors.

Provided counsel on new Proposition 65 warning regulations and the adoption of warning communication strategies appropriate to client-specific circumstances.

Represented clients in the manufacturing and retail consumer product sectors in enforcement actions brought by federal and state (California) authorities for alleged violations of the regulations governing the labeling and marketing of antimicrobial products.

Provide counsel to major pet product manufacturer on compliance with U.S. EPA FIFRA pesticide registration and compliance matters.

Provide counsel regarding U.S. EPA regulations for insect repellants, including compliance with minimum risk pesticide requirements.

Organized and manages the Manganese Interest Group to address the development of appropriate health standards for manganese. Persuaded the EPA Office of Air Quality Planning and Standards to adopt an alternative risk value for assessing the risks of manganese emissions in the ferroalloy production sector, in lieu of the outdated Integrated Risk Information System “reference concentration.”

Represented manufacturing industries in addressing regulatory challenges related to chromium, nickel, manganese, copper, cobalt and other metals.

Acted as industry stakeholder representative on the EPA committee negotiating a rulemaking to address the reporting of recycled inorganic byproducts under the TSCA Chemical Data Reporting (CDR) rule.

Persuaded U.S. EPA to rescind guidance that would have required TRI reporting for the chemicals in steelmaking slag sold for use as a product.

Secured for the industrial laundry industry issuance of the first-ever final EPA “no regulation” rule after ELGs had been proposed.

Represented the iron and steel industry in convincing the EPA to scale back proposed ELG revisions, resulting in capital cost savings of over \$1 billion.

Persuaded the National Toxicology Program (NTP) not to list “nickel alloys” as carcinogens, and to change the listing for chromium to identify only specific chromium compounds.

Developed strategies for compliance with the European Union’s REACH requirements for numerous industry sectors.

Affiliations

American Bar Association, Section on Environment, Energy and Resources

Related Services

Environmental
Environmental Regulation
Energy
Proposition 65
Occupational Safety and Health Regulation
Consumer Product Safety Regulation
Consumer Packaged Goods
Environmental, Social and Governance (ESG)
Manufacturing

Education

Harvard Law School, J.D., 1996

- cum laude
- Harvard Environmental Law Review, editor

University of Virginia, B.A., 1993

- with high honors

Admissions

District of Columbia, 1997
Virginia, 1996

Courts

U.S. District Court–Eastern District of Virginia