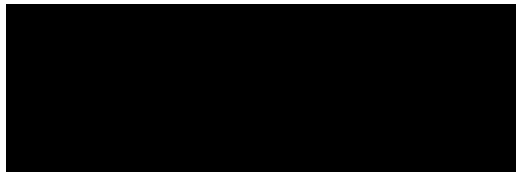


Committee on Energy and Commerce
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: James W. Conrad, Jr.		
2. Your Title: Principal, Conrad Law & Policy Counsel		
3. The Entity(ies) You are Representing: Society of Chemical Manufacturers and Affiliates		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No X
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2015. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. N/A		
6. Please attach your curriculum vitae to your completed disclosure form. Done		

Signature: _____



Date: 6/12/18

JAMES W. CONRAD, JR.
CONRAD LAW & POLICY COUNSEL

PROFESSIONAL EXPERIENCE

Conrad Law & Policy Counsel

Principal

Sept. 2007-date

Provide regulatory and legislative representation to businesses, associations and coalitions in the areas of environment, health and safety and homeland security.

Regulatory Advocacy

- Advise the Society of Chemical Manufacturers and Affiliates (SOCMA) on full range of environmental, health, safety & security issues. Particular agencies and areas of focus include EPA (TSCA reauthorization and regulation; Clean Air Act Risk Management Program, MACT, area source and permitting matters; RCRA definition of solid waste; SPCC rules; enforcement & audit policy); DHS (CFATS implementation; chemical sector coordination with DHS); OSHA (Process Safety Management); Chemical Safety & Hazard Investigation Board.
- Represent Business Roundtable and a major industrial company in connection with federal regulatory and permitting reform issues.
- Represent American Chemistry Council, American Fuel & Petrochemical Manufacturers and International Liquid Terminals Association in successful rulemaking petition challenging expansion of TWIC reader rule.
- Advise the Color Pigments Manufacturers Association on TSCA regulatory issues.
- Advise the Fragrance Creators Association on OSHA and EPA regulatory matters.
- Periodically advise the American Chemistry Council (ACC) and a major industrial company on (i) federal agency use of industry-funded science and scientists and (ii) Information Quality Act (IQA) issues.
- Advise the chemical manufacturer noted above on strategy in engaging with FDA, EPA, OSHA, NIOSH & CPSC, and NGOs.
- Represented the National Industrial Sand Association before OSHA on regulation of crystalline silica.
- Assisted the National Rural Electrical Cooperatives Association in connection with EPA and state coordination on regulation of coal ash.
- Have represented ACC before OSHA on approaches to regulating air contaminants.
- Obtained SAFETY Act designation for ACC's Responsible Care® Security Code.
- Assisted the Styrene Industry Research Council in prosecuting IQA correction request (and appeal) filed with the National Toxicology Program and subsequent federal litigation.
- Assisted a coalition of municipal solid waste management associations and companies in seeking to obtain priority access to pandemic influenza vaccine.
- Prepared comments for a coalition on OSHA risk assessment policy.
- Drafted an IQA correction request regarding an FDA advisory.
- Helped a metal finishing company exit from the CFATS program.

- Have assisted the Vinyl Institute and The Policy Group on a variety of TSCA and other regulatory matters.

Legislative Advocacy

- Represent Business Roundtable and a major industrial company in connection with federal regulatory and permitting reform legislation, including successful enactment of FAST-41 (Pub. L. No. 114-94) (infrastructure permitting reform).
- Represent SOCMA before Congress on all environmental, health, safety & security issues, including successful enactment of TSCA reform (Pub. L. No. 114-182) and reauthorization of the CFATS statute (Pub. L. No. 113-254).
- Led successful American Bar Association effort to reauthorize and fund the Administrative Conference of the United States (pro bono).
- Represented a major chemical manufacturer supporting tax legislation to promote commercial building energy efficiency; worked successfully to oppose restrictions on an important product.
- Represent the Pavement Coatings Technology Counsel in connection with oversight of the U.S. Geological Survey.
- Have represented ACC on regulatory reform issues and chemical facility security legislation.
- Drafted testimony of a former Attorney General on legislation to protect the attorney-client privilege, the work product doctrine and the rights of individual employees.
- Advised a DHS contractor on federal and state legislative developments affecting the chemical industry.
- Have represented a small natural gas exploration & production company on appropriations and water resource issues.

Association Law

- Have served as counsel to Excellence in Stewardship, a nonprofit membership association engaged in promoting product stewardship in the agricultural biotech industry.

American Chemistry Council (formerly Chemical Manufacturers Association), Arlington, VA
Assistant General Counsel, Managing Counsel July 1993-Aug. 2007

Regulatory Advocacy

- Chemical Security. Helped position chemical industry as leading sector in development & rollout of DHS regulatory and voluntary security programs, without compromising ACC's goals. Responsible for Coast Guard recognition of ACC's Responsible Care Security Code as an Alternative Security Program under Coast Guard Maritime Transportation Security Act regulations. Drove DHS exemption of critical infrastructure sector coordinating councils from Federal Advisory Committee Act. Guided ACC's advocacy with DHS, Coast Guard, DOJ.
- Information quality. Provided most influential private sector input to OMB on Information Quality Act Guidelines and Peer Review Bulletin, EPA IQA guidelines. Stopped EPA "Third-Party Assessment Factors."
- Enforcement. In charge of ACC's enforcement/compliance advocacy 1993-2007. Stopped EPA Region VII "Continuous Release Reporting" enforcement initiative; led coalition litigation against resulting EPA guidance on federally-permitted releases; negotiated current, favorable guidance. Led regulated community efforts to stop hugely costly EPA proposal on electronic recordkeeping & reporting (CROMERRR) and avert

EPA guidance on “illegal competitive advantage.” Played leading role in getting U.S. Sentencing Commission to reverse 2004 amendments to federal organizational sentencing guidelines. Helped negotiate EPA audit/disclosure policy. Co-led numerous EPA/ACC joint projects to understand the causes of noncompliance and to generate compliance tools; delayed and softened traditional enforcement initiative against chemical sector. Played significant role in design and initial launch of EPA Performance Track program; founded Performance Track Participants Association.

- RCRA. From 1993-98, responsible for roughly 60% of CMA’s RCRA advocacy, as counsel to work groups on hazardous waste combustion, waste identification, RCRA legislation, nonhazardous waste, and interstate waste restrictions. Provided leadership to successful advocacy for “comparable fuels” exemption from RCRA regulation.
- Air monitoring. In mid 1990s, led multi-industry effort to stop EPA’s “enhanced monitoring” rule. Substantially ameliorated “compliance assurance monitoring” rule.

Legislative Advocacy

- Chemical facility security. Since 2001, centrally involved in consideration of federal chemical facility legislation, one of ACC’s two highest-tier legislative issues. Played key role in enactment of such legislation in FY07 DHS approps law (Pub. L. No. 109-295). Drafted and negotiated legislative language and committee reports with Senate and House staff and Administration; successfully worked with GAO, CRS; drafted ACC testimony. Also helped draft and enact Critical Infrastructure Information Act (part of Homeland Security Act; Pub. L. No. 107-296, 6 U.S.C. §§ 131-34).
- Attorney-client privilege. Help lead coalition ranging from U.S Chamber to ACLU to change DOJ policy on waiver of attorney-client privilege. Catalyzed successful House and Senate hearings in 2006, caused DOJ to rescind its “Thompson Memo.”
- Worst-case scenarios on the Internet. Helped draft and enact Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40, 42 U.S.C. § 7412(r)(7)(H)) and committee report. Through implementation of same, kept EPA from posting worst-case chemical release scenarios on the internet.
- Formerly hazardous wastes. Helped draft and enact Land Disposal Program Flexibility Act (Pub. L. No. 104-119, codified in scattered sections of 42 U.S.C. chapter 82). Worked closely with CEQ, EPA and industry coalition.
- Appropriations. Drafted, negotiated earmarks and report language adopted in multiple Congresses regarding topics such as EPA’s IRIS database, EPA compliance assistance programs.
- Environmental audit privilege & disclosure. Helped lead coalition efforts in mid-1990s.

Management

From 1997-98, managed half of CMA’s Office of General Counsel (five other lawyers, a paralegal and two support staff; half-million dollar outside counsel budget). Participated in HR Design Team for CMA’s reorganization. (OGC abolished in 1998 reorganization.)

Davis, Graham & Stubbs, Washington, D.C.

Associate

Jan. 1989-July 1993

Practiced across wide variety of federal and state environmental laws. Counseling activities included federal, state and voluntary cleanup actions, transactions, regulatory compliance, environmental assessments and insurance coverage issues. Exercised major responsibilities in RCRA criminal defense and insurance coverage litigation, including drafting successful motions on cutting edge issues. Defended state air permitting enforcement case. Member, ASTM Subcommittee E50.02 on environmental site assessments. On pro bono basis, litigated on behalf

of several nonprofits against deer hunting on national wildlife refuge (*HSUS v. Lujan*, 768 F. Supp. 360 (D.D.C. 1991)).

Cleary, Gottlieb, Steen & Hamilton, Washington D.C.

Associate

Sept. 1985-Dec. 1988

Summer Associate

July-Aug. 1984

Helped draft and enact Government Securities Act of 1986 (Pub. L. No. 99-571, 15 U.S.C. § 78o-5) and Marine Mammal Protection Act Amendments of 1988 (Pub. L. No. 100-711, codified in scattered sections of 16 U.S.C. chapter 31). General environmental practice included state hazardous air pollution regulation, RCRA, CERCLA, OSHA. Litigated Clean Water Act permit denial and National Priority List listing decision. Exercised major responsibility in three antidumping proceedings and successful Claims Court litigation (*USA Petroleum Co. v. United States*, 821 F.2d 622 (Fed. Cir. 1987)). Pro bono advice to marine mammal nonprofit group.

Department of Justice, Civil Division, Federal Programs Branch

Summer legal intern

June-July 1984

Duncan, Weinberg, Miller & Pembroke, Washington, D.C.

Law clerk

part time Jan.-April 1984; full time May-Aug. 1983

Fulbright & Jaworski, Washington, D.C.

Paralegal

Aug. 1981-Aug. 1982

EDUCATION

GW Law School, Washington D.C.

J.D. with High Honors, 1985

Order of the Coif

Member, George Washington Law Review, 1983-85

Awarded Trustee Scholarships 1982-85

Haverford College, Haverford, PA

B.A. Philosophy, 1981

Awarded Department Prize in Philosophy, 1981

Research semesters at Kewalo Basin Marine Mammal Lab, Honolulu and SUNY-Binghamton

COMMUNITY SERVICE

Bush/Cheney Transition Team

2000-2001

Requested to prepare issue paper on EPA enforcement/compliance issues. One of 28 people (and few Democrats) initially invited to serve on EPA Transition Advisory Team.

City of Alexandria Environmental Policy Commission

Nov. 1988-Nov. 1994

Chair, Secretary and member.

Immanuel Church-on-the-Hill & Emmanuel Episcopal Churches, Alexandria

Senior Warden, Registrar, Vestry member, lay reader, choir member.

MEMBERSHIPS

American Bar Association:

- Section of Administrative Law & Regulatory Practice. Chair, 2012-2013; Chair-Elect, 2011-2012; Vice Chair, 2010-2011, Secretary, 2005-2008. Council member, 2008-2010. Have served as Chair or Co-Chair of Legislation, Regulatory Policy, Homeland Security, and Environmental & Natural Resources Regulation Committees.
- Section of Environment, Energy & Resources (SEER). Program Vice Chair of Committee on Innovation, Management Systems & Trading, 2003 - 2005. Vice Chair of Fall Meeting, 2005. Vice Chair of Keystone Conference, 2004.
- Liaison, Advisor to Task Force on Attorney-Client Privilege, 2005 – 2010.

D.C. Bar Association:

- Administrative Law and Agency Practice Section
- Environment, Energy & Natural Resources Section

American Bar Foundation:

- Fellow

PUBLICATIONS & PRESENTATIONS

Citations listed in separate attachment or at <http://www.conradcounsel.com/p165.html>.

MEDIA INTERVIEWS

Quoted in the *Washington Post*, *New York Times*, *Wall Street Journal* and numerous trade journals.

BAR ADMISSIONS

D.C. Bar, Maryland Bar (inactive); U.S. Supreme Court; U.S. Courts of Appeals for the Fourth and D.C. Circuits; U.S. District Courts for the District of Columbia, Maryland and Arizona.

SECURITY CLEARANCE

Secret level, effective July 22, 2016 for ten years, sponsored by DHS.