



THOMAS S. LEE

Partner

San Francisco

Office Managing Partner and PFAS Team Leader

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BIOGRAPHY

Thomas Lee is a Partner in the firm's Energy, Environment and Infrastructure Practice Group, and is a trusted advisor to clients on a range of environmental topics. Tom regularly works with clients in a variety of industries including real estate investment and development, food and agriculture, retail and consumer products, and chemical manufacturing and distribution.

Tom's practice focuses on three main areas: transactional work, compliance counseling, and enforcement defense. In his transactional work he represents buyers and sellers of real estate and corporate entities that are impacted by environmental conditions or related liability, with a particular focus on brownfield acquisition and redevelopment. Tom takes projects from initial due diligence, through contract drafting, closing, and post-closing remediation and regulatory closure, all with an

eye towards balancing the costs and risks posed by the environmental conditions. Tom also provides compliance counseling to ensure clients' continued compliance, especially in the face of changing regulations. He regularly works with a network of environmental consultants to conduct facility audits where necessary, and to prepare and submit permit applications, and correct non-compliant conditions. Finally, Tom represents clients in enforcement actions under the Clean Air Act, California Air District rules, California Air Resource Board regulations, California's Proposition 65, California's Green Chemistry Initiative, and TSCA.

Tom is the founder and leader of the firm's [PFAS Team](#) and his deep understanding of the ever-changing PFAS regulatory environment has made him a trusted counselor for companies evaluating their PFAS risk in transactional, regulatory, and litigation contexts. Tom is also the founder and editor of the firm's [Emerging Contaminants/Emerging Solutions](#) blog, and writes and presents at conferences and webinars on a variety of topics including California's Proposition 65, and the developing regulation of PFAS.

CIVIC INVOLVEMENT & HONORS

- 2022, 2024 JDSupra Readers Choice Awards Top Author, Environmental
- Recognized by *The Best Lawyers in America*® 2021 "Ones to Watch" Report for Environmental Law
- Recognized as a Super Lawyers Northern California "Rising Star" for business litigation and environmental law from 2016-present. No more than 2.5 percent of California lawyers are named to Super Lawyers' list of "Rising Stars."
- Bar Association of San Francisco Wellness Committee
- United Way of the Bay Area: Koko Campaign Winner in 2012 and 2013 for fundraising; Awarded 2013 Koko Campaign Top Banana for best overall campaign coordinator.

COMMITTEE CONTENT

Recruiting Committee (Co-Chair)

Head of the San Francisco Wellness Committee

ADMISSIONS

- California, 2011
- New York, 2011

EDUCATION

Northwestern University, J.D., 2009

Colgate University, B.A., 2005

RELATED PRACTICE AREAS

- Hotels and Hospitality
- Real Estate Retail
- Brownfields
- Citizen Suits/NIMBY
- Clean Air Act
- Clean Water Law
- Compliance Audits and Internal Investigations
- Cost Recovery Litigation (Superfund/CERCLA and State equivalents)
- Criminal Enforcement
- Endangered Species (ESA)
- Environmental Review (NEPA and State EIS laws)
- Hazardous Materials Transportation (HMTA)
- Hazardous Waste (RCRA)
- Insurance Counseling
- International Environmental Law
- Oil Spills
- Pesticides (FIFRA)
- Reporting Requirements (EPCRA, CERCLA, Prop 65 and other state laws)
- Safe Drinking Water (SDWA)
- Solid Waste and Landfills
- Toxic Substances Regulation (TSCA)
- Transactional Work, Including SEC Disclosures
- Underground Injection Control (UIC)
- Water Rights
- Wetlands
- Mobile Source Emissions and Fleet Management
- Food & Agribusiness
- Business & Commercial Disputes

- Environment
- Real Estate
- Retail & Consumer Products
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Redevelopment
- Outdoor Industry
- PFAS Team

RESOURCES

PUBLICATIONS

- Tom regularly publishes articles to the Firm's website and is the editor of the Firm's [Emerging Contaminants/Emerging Solutions](#) blog. Please view the insights tab for a list of his articles.
- Quoted, "[PFAS: Causal link to personal injury could open litigation floodgates](#)," *The Insurer*, September 11, 2023
- Co-author, "[How to Determine What Is 'Essential Business' as More States Order Shutdowns](#)," *Corporate Counsel*, March 23, 2020
- Co-author, "The Clean Power Plan and Interstate Trading Programs," Energy Infrastructure, Siting, and Reliability Committee Newsletter, ABA, June 2016
- "EPA's Proposed Clean Power Plan Regulations: Structure and Impacts," Bryan Cave Environmental Client Service Group Alert, June 2014
- "The Water Excise Tax: Preserving a Necessary Resource," *Northwestern Journal of Law & Social Policy*, Winter 2009

SPEAKING ENGAGEMENTS

- "State and Federal Regulation of PFAS in Food Packaging," University of Wisconsin-Madison PFAS: Impact on the Planet and Solutions for the Packaging Industry Symposium, November 2, 2023
- "State and Federal Regulation of PFAS in Food Packaging," American Conference Institute Food Law Summit, April 18, 2023

- “Redefining Diligence in the Age of PFAS: New ASTM 1527-21 Standard and the Rise of Emerging Contaminants,” The Surplus Properties Roundtable, March 8, 2023
- “Regulation of PFAS in Cookware and Bakeware,” The Inspired Home Show, March 5, 2023
- “COVID-19 in 19: Mitigating Premises Liability and Product Liability Risks Associated with COVID-19,” Teleconference, March 27, 2020
- “COVID-19 in 19: Shut Down, Shelter in Place and Defining 'Essential Business,’” Teleconference, March 23, 2020
- “New Chemical Listings: How to Make Sure Your Company Stays Compliant,” Panelist, Prop. 65 Clearinghouse Annual Conference, September 23, 2019
- “Prop. 65 Regulation of PFAS in Food and Food Packaging,” Webinar, July 18, 2019
- “Cautionary Tales in Product Labeling and Marketing,” Panelist, Annual American Agricultural Law Association Educational Symposium, October 26, 2018
- “Prop. 65 Food Litigation: Enforcement Trends, Defense Strategies, and How to Reduce the Risk of Being Sued,” Webinar, February 11, 2018
- “California's Green Chemistry Initiative: Impacts and opportunities for Retailers,” Presented at the Retailer Proposition 65 and Green Chemistry Initiative Legal Roundtable, January 21, 2015
- “Retailer Compliance With Proposition 65, and Revisiting Internal Testing Protocols,” Presented to a client in a series of seminars. 10/2011 - 4/2012

RELATED INSIGHTS

Blog Post

Apr 17, 2024

EPA Sets National Limits for Certain PFAS in Drinking Water

Blog Post

Mar 27, 2024

PFAS in children’s products: state-by-state regulations

PFAS in Children’s Products is a major focus for state legislators across the country, prompting some of the most stringent PFAS restrictions in consumer products. Thus far, eight states have enacted legislation concerning PFAS substances in Children’s or Juvenile Products (“Children’s Products”). Seven additional states have proposed Children’s Products laws, and many of these are expected to continue to move through the legislative process in future months. There are numerous key features that are generally consistent across the state laws: “Juvenile products” are generally defined as products that are intended for use by children 12 years old or younger. The prohibitions apply to “intentionally added” PFAS, which generally are PFAS added to a product to

create a specific effect in the finished product. The compliance timelines are much shorter than the timelines for other types of consumer products that are...

Blog Post

Mar 06, 2024

PFAS in food packaging: state-by-state regulations

In the absence of comprehensive federal regulation of PFAS in food packaging, states are dishing out their own laws. Thus far, twelve states have enacted laws addressing PFAS substances in food containers and packaging materials ("Food Packaging"), and there are fourteen proposed bills that are currently pending in numerous states. These laws are intended to address concerns that storing food in Food Packaging that contains PFAS compounds may result in increased ingestion of those PFAS substances. Related to food packaging, a growing number of states are enacting or proposing general bills involving recyclability of food or beverage packaging, but this client alert does not specifically address those requirements as these measures do not exclusively involve PFAS substances. According to the United States Environmental Protection Agency ("EPA"), commonly cited examples of Food Packaging that hav...

News

Mar 04, 2024

BCLP Lawyers Recognized by JD Supra Readers' Choice Awards

Blog Post

Feb 20, 2024

PFAS Update: 2024 Look-Ahead

As discussed in more detail in BCLP's 2023 federal recap client alert, per- and polyfluoroalkyl substances ("PFAS") were a major focus for the United States Environmental Protection Agency ("EPA") in 2023, and 2024 will likely mark even more significant activity in the federal regulation of these compounds. While we expect a variety of actions at the federal level, this alert highlights five developments that we anticipate in 2024 will have substantial economic impacts across a wide range of industries.

Blog Post

Feb 12, 2024

EPA's Noncomprehensive List of PFAS Subject to the TSCA Reporting Rule

In 2023, the United States Environmental Protection Agency ("EPA") issued a final rule under the Toxic Substances Control Act ("TSCA") which requires manufacturers, including importers, of certain per- and polyfluoroalkyl substances ("PFAS") to report PFAS manufactured in the United States, or imported into the United States for a commercial purpose between January 1, 2011, and December 31, 2022. The reporting system opens in November 2024, and most reports (except for small businesses) must be submitted by May 8, 2025, or 18 months after the effective date of the rule (see §705.20 of the rule). In this alert, BCLP and Ramboll Americas Engineering Solutions Inc. ("Ramboll") are collaborating to discuss EPA's recent publication of a non-exhaustive list of PFAS that fall within the structural definitions, and what that means for businesses that are working towards compliance with the reporting rule.

Blog Post

Feb 07, 2024

2023 Federal PFAS Regulatory Recap

News

Jan 24, 2024

Tom Lee quoted on regulatory landscape related to PFAS in drinking water

Blog Post

Jan 19, 2024

PFAS update: EPA kicks off the new year with TSCA and TRI actions

The United States Environmental Protection Agency (“EPA”) started the new year by finalizing two rules involving per- or polyfluoroalkyl substances (“PFAS”) under the Toxic Substances Control Act (“TSCA”) and the Toxic Release Inventory (“TRI”). The first rule requires industries to consult with EPA before using any of the designated 329 inactive PFAS substances. The second rule adds seven PFAS substances to the list of chemicals that entities must report. The details of the new rules are below, but these actions demonstrate EPA’s continued commitment to regulate PFAS substances under a wide range of environmental laws.