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TINA S. MCKINNOR
DIANE PAPAN

STATE CAPITOL

P.O. BOX 942849
SACRAMENTO, CA 94249-0097
(916) 319-3965



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JOSH TOOKER

PRINCIPAL CONSULTANT
SHANNON MCKINNEY

SENIOR CONSULTANT
NAOMI ONDRASEK

COMMITTEE SECRETARY
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ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
SENATE ENVIRONMENTAL QUALITY COMMITTEE

JOINT OVERSIGHT HEARING ON THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL –
BOARD OF ENVIRONMENTAL SAFETY

To: Members of the Assembly Committee on Environmental Safety & Toxic Materials and Members of the Senate Committee on Environmental Quality

From: Chairs, Assemblymember Damon Connolly and Senator Catherine Blakespear

Subject: Joint Oversight Hearing: Department of Toxic Substances Control Reform: Update – Evaluation of the Board of Environmental Safety

Date: August 4, 2026

Introduction: In 2021, after years of legislative hearings and policy changes, the Legislature enacted SB 158 (Committee on Budget and Fiscal Review, Chapter 73, Statutes of 2021) which mandated several policy reforms to the California Department of Toxic Substances Control (DTSC), stabilized funding, and created the Board of Environmental Safety (BES).

The five member BES sets policy and prioritizes transparency and accountability for DTSC. SB 158 also enacted fee reform, by eliminating and modifying some fees. This included repealing the generator fee and instead establishing the new generation and handling fee. All fees were set at a rate that would eliminate DTSC's operating deficit, provide revenue for anticipated needs in the near-term, fund the BES and the development of a hazardous waste management plan, and provide DTSC with a prudent reserve. Additionally, SB 158, provided funding that required DTSC to assist in the development of a forum that represents communities across California impacted by DTSC's programs and activities and to provide environmental justice advice, consultation, and recommendations to the Director of DTSC and the Board of Environmental Safety. Lastly, SB 158 included \$500 million for the cleanup of

contaminated sites, including priority for sites where there are high environmental burdens and sensitive populations.

Through testimony from the panelists, including the BES Chair, and the Director of DTSC, this hearing will provide updates on the implementation of SB 158, specifically the implementation of the BES and an opportunity to evaluate progress that has been made to improve DTSC.

DTSC's Authority and Major Programs

California Hazardous Waste Control Law (HWCL)

The HWCL is the state's program that implements and enforces federal hazardous waste law in California and directs DTSC to oversee and implement the state's hazardous waste programs. The HWCL covers the entire management of hazardous waste, from the point that hazardous waste is generated to management, transportation, and ultimately disposal of waste into a state or federally-authorized facility. DTSC is responsible for administering the Hazardous Waste Facility Permitting Program, established under the HWCL and the federal Resource Conservation and Recovery Act (RCRA) to regulate facilities that treat, store, or dispose of hazardous waste. Any person who stores, treats, or disposes of hazardous waste must obtain a permit from DTSC. DTSC's inspection and enforcement responsibilities include its delegated authority under the federal RCRA, California's HWCL, and state laws pertaining to toxic substances in packaging and consumer products, and the disposal of universal wastes such as electronic waste.

Carpenter-Presley-Tanner Hazardous Substances Account Act (HSAA):

Under the HSAA, state law provides DTSC with general administrative responsibility for overseeing the state's responses to spills or releases of hazardous substances, and for hazardous waste disposal sites that pose a threat to public health or the environment. Additionally, DTSC ensures that the state meets the federal requirements that California pays 10% of cleanup costs for federal Superfund sites and 100% of the operation and maintenance costs after cleanup is complete. The HSAA provides DTSC with the authority, procedures, and standards to investigate, remove, and remediate contamination at sites; issue and enforce a removal or remedial action order to any responsible party; and, impose administrative or civil penalties for noncompliance with an order. Federal and state laws also authorize DTSC to recover costs and expenses incurred by carrying out these activities.

Green Chemistry in California:

In 2008, the California Legislature enacted two landmark pieces of legislation to begin implementation of a green chemistry program: AB 1879 (Feuer and Huffman, Chapter 559, Statutes of 2008) and SB 509 (Simitian, Chapter 560, Statutes of 2008). These bills lay the statutory foundation for the state's Green Chemistry Program and are designed to establish a comprehensive approach to chemicals policy. Specifically, AB 1879

mandates that a regulatory process be established for identifying and prioritizing chemicals of concern in consumer products and to create methods for analyzing alternatives to existing hazardous chemicals. SB 509 establishes the Toxics Information Clearinghouse, with the goal of increasing public knowledge about the toxicity and hazards of thousands of chemicals used in California every day.

The Safer Consumer Products regulatory process:

To implement the Green Chemistry statutes, DTSC created what it called a "four-step continuous, science-based, iterative" regulatory process through its "Safer Consumer Products" (SCP) regulations. The SCP regulations were adopted October 2013, and follow the process below:

- 1) Candidate Chemicals – The regulations establish a list of "candidate chemicals" based on the work already done by other authoritative organizations, and specify a process for DTSC to identify additional chemicals as candidate chemicals;
- 2) Priority Products – The regulations require DTSC to evaluate and prioritize product/candidate chemical combinations to develop a list of "priority products" for which alternatives analyses must be conducted;
- 3) Alternatives Analysis – The regulations require responsible entities (manufacturers, importers, assemblers, and retailers) to notify DTSC when their product is listed as a priority product. DTSC will post this information on its website. Manufacturers (or other responsible entities) of a priority product must perform an alternatives analysis for the product and the chemicals of concern in the product to determine how to best limit exposures or reduce the level of adverse public health and environmental impacts posed by the chemicals of concern; and,
- 4) Regulatory Responses – The regulations require DTSC to identify and implement regulatory responses designed to protect public health and/or the environment and maximize the use of acceptable and feasible alternatives of least concern. DTSC may require regulatory responses for a priority product, if the manufacturer decides to retain the product, or for an alternative product selected to replace the priority product.

The mission of the SCP Program is to advance the design, development, and use of products that are chemically safer for people and the environment. DTSC provides compliance assistance to responsible entities and conducts compliance evaluation and enforcement activities to ensure that responsible entities comply with the SCP Regulations.

DTSC may initiate formal enforcement actions against recalcitrant responsible entities who fail to comply with regulatory requirements. DTSC's compliance and enforcement activities under the SCP include:

- Hosting workshops and conducting other outreach to inform and engage stakeholders regarding program activities, including new legislation and regulatory requirements, proposed Priority Product listings, and important regulatory deadlines;
- Offering compliance assistance, guidance, and training to help responsible entities successfully navigate the Alternatives Analysis process;
- Conducting market surveillance and product testing to identify product ingredients and assess the presence of Priority Products on the California market; and,
- Undertaking enforcement actions as warranted.

If the manufacturer of a Priority Product fails to comply with SCP regulations, DTSC places that manufacturer on DTSC's publicly available Failure to Comply List. Manufacturers of Priority Products have the principal duty to comply with SCP regulations. When a manufacturer does not comply, the duty to comply falls to the importer (if any), and then after continued non-compliance, this duty falls to the retailer or assembler. The SCP Regulations prohibit retailers and assemblers from purchasing or selling non-compliant Priority Products. Once a manufacturer is placed on the Failure to Comply List, retailers and assemblers of the non-compliant Priority Products must submit a Cease Ordering Notification to DTSC informing the Department that the retailer or assembler has ceased ordering the product.

Legislation to improve the SCP process:

SB 502 (Allen, Chapter 701, Statutes of 2022) provided DTSC with additional tools to help improve and streamline the SCP process. These provisions included authorizing DTSC to issue formal requests for information from product manufacturers and requiring those manufacturers to provide information within a specified timeframe. SB 502 also requires DTSC in its Priority Product Work Plans, commencing with the 2024-2026 Work Plan, to provide specific information, including the timeline for completion of actions for at least five product categories or subcategories in each Work Plan.

SB 502 authorized DTSC, in lieu of requiring an analysis of alternatives, to instead rely on all or part of one or more applicable publicly available studies or evaluations of alternatives to the chemical of concern under consideration in a consumer product, in existence at the time of consideration, and to proceed directly to a regulatory response.

These actions include information collection, listing a product as a Priority Product, completion of an Alternatives Analysis, and finalization of regulatory responses.

Additional resources for DTSC's SCP:

As part of the 2022-2023 Budget, DTSC requested additional resources to support SCP implementation. Specifically, DTSC states in a Budget Change Proposal:

"As part of the implementation of the 2021 Governance and Fiscal Reform, the Department of Toxic Substances Control (DTSC) requests 37.0 permanent positions and \$7.2 million Toxic Substances Control Account (TSCA) in 2022-23 and ongoing to provide the resources needed to fully implement the Safer Consumer Products (SCP) Program. This proposal would increase DTSC's capacity to identify product-chemical combinations for regulation under the regulatory framework, perform rulemaking tasks, review Alternatives Analyses, and provide technical support to regulated manufacturers for Alternatives Analysis (AA) development.

Based on the current SCP regulations implementation status and the resources requested, the outcomes will be: Accelerate the identification of Priority Products and the rate of regulation adoption to list new Priority Products. Previous resource increases have enabled more efficient research on the product categories in the Work Plan. In calendar year 2022, SCP expects to identify at least five possible Priority Products. With additional resources this number will increase to 12 products per year over the subsequent two years with enhanced exposure considerations. In calendar year 2022, SCP expects to initiate one to three Priority Product listing regulations and with additional resources. Beginning in calendar year 2023, SCP will increase rulemaking capacity to five Priority Product listings per year."

The pace of regulation of harmful chemicals in consumer products under the SCP Program has been historically slow. In the almost 16 years since the passage of the original Green Chemistry legislation, DTSC has adopted ten Priority Products, with two additional products under regulatory development (see below).

Priority products adopted:

2026 - Nail Products Containing Methyl Methacrylate (MMA)
2026 - Nail Products Containing Triphenyl Phosphate
2024 - Laundry Detergents Containing the Surfactants Nonylphenol Ethoxylates (NPEs)
2023 - Motor Vehicle Tires Containing 6PPD
2023 - Nail Products Containing Toluene
2022 - Treatments Containing PFASs for Use on Converted Textiles or Leathers
2021 - Carpets and Rugs with PFASs
2019 - Paint or Varnish Strippers Containing Methylene Chloride
2018 - Spray Polyurethane Foam Systems Containing Unreacted Methylene Diphenyl Diisocyanate
2017 - Children's Foam-Padded Sleeping Products with TDCPP or TCEP

Priority products under development:

Rulemaking initiated:	Manual Dish Detergents and Shampoo Containing 1,4-Dioxane
Rulemaking initiated:	Cleaning Products Containing Hydrofluoric Acid
No rulemaking proposed:	Motor Vehicle Tires Containing Zinc

No rulemaking proposed: Paint and Varnish Strippers and Graffiti Removers
Containing N-Methylpyrrolidone
No rulemaking proposed: Skin-Applied Leave-On Products Containing Preservatives
No rulemaking proposed: Floor Maintenance Products Containing PFAS

Products evaluated, decision not to list as priority product:

Intimate Care Products (2026)
Styrene in Children's Products (2026)
Artificial Turf Containing PFAS (2026)
Lead Acid Batteries (2024)
Hair Straighteners Containing Formaldehyde (2024)
Food Packaging Containing PFAS (2021)
Phthalates in Food Packaging (2021)

Snapshot of Products currently under the SCP process:

Proposed Priority Product: Cleaning Products Containing Hydrofluoric Acid

According to DTSC's website,

"On June 5, 2026, DTSC initiated rulemaking under the Safer Consumer Products (SCP) Regulations to restrict manufacturers from selling or distributing cleaning products containing hydrofluoric acid (HF) in California. This rulemaking would not impact retailers' existing inventory. Given the severe hazards of HF and the wide availability of alternatives, DTSC is proposing to bypass the Alternatives Analysis phase and proceed directly to a product sales prohibition on manufacturers.

Based on the criteria in the Safer Consumer Products Regulations, we have determined that exposures to cleaning products containing hydrofluoric acid have the potential to cause or contribute to significant adverse impacts to Californians.

For the first time, DTSC is proposing to use the process established under Health and Safety Code section 25253, subdivision (d) (SB 502 of 2022). We plan to use this authority to bypass the Alternatives Analysis and directly prohibit manufacturers from selling the Priority Product in California. We chose this approach for several reasons. First, a wide variety of alternatives already dominate the cleaning products market. Second, DTSC has identified publicly available evaluations that document the use, hazards, and alternatives for cleaning products containing hydrofluoric acid. And third, the severe hazards of hydrofluoric acid and the potential for exposure and adverse impacts to occur are well documented."

Floor Maintenance Products Containing Perfluoroalkyl or Polyfluoroalkyl Substances

According to DTSC's website,

"On February 25, 2026, DTSC released the Floor Maintenance Products Containing Perfluoroalkyl or Polyfluoroalkyl Substances (PFASs) product-chemical profile for public comments. The draft profile documents the scientific basis for proposing to list this product-chemical combination as a Priority Product under the Safer Consumer Product Regulations.

PFASs are a large class of extremely persistent chemicals, most of which have not been well studied. Some PFASs are known to be toxic at very low levels, and even those that have yet to be studied for toxicity raise concerns due to their high persistence. Toxicological studies of PFASs show adverse effects including reproductive, developmental, immunological, and endocrine toxicity, as well as increased risks of certain cancers. PFASs have also been found to be harmful to plants and animals in the environment; some have been linked to phytotoxicity, aquatic toxicity, and terrestrial ecotoxicity.

PFASs are added to floor maintenance products including polishes, waxes, and strippers to reduce surface tension and help them spread more evenly across the floor. PFASs in floor maintenance products are released into the indoor environment and wastewater during application, maintenance, and disposal. Frequent use in high-traffic areas, such as airports, schools, and hospitals, increases the potential exposure to PFASs for both workers and the general population. Custodial workers who perform floor maintenance activities may experience higher exposure via inhalation, incidental ingestion, and dermal contact due to elevated airborne PFASs concentrations and repeated handling of PFAS-containing products during polishing and cleaning activities. Wastewater from floor maintenance activities can release PFASs into wastewater systems. Because conventional wastewater treatment does not effectively remove PFASs, these chemicals can be discharged to surface waters and can contaminate terrestrial ecosystems, drinking water, and human food supplies.

Based on the criteria in the Safer Consumer Products regulations, we have determined that floor maintenance products containing PFASs have the potential to cause or contribute to exposures to PFASs and associated significant and widespread adverse impacts to the people and environment in California."

Issues for committees to consider:

- *Now that DTSC has used some of the tools under SB 502 to expedite the process for a product, does DTSC plan to continue to use these tools for other products?*
- *Will DTSC be able to adopt five priority products per year?*

- *If not, how many priority products can the Legislature expect DTSC to adopt per year?*
- *Does DTSC continue to regulate PFAS as a class versus exempting certain PFAS?*
- *Can DTSC provide the Legislature assistance when evaluating chemical product bans or regulation, including evaluating the class of PFAS chemicals?*

Environmental Justice Advisory Council (EJAC)

SB 158 provided funding that required DTSC to assist in the development of a forum that represents communities across California impacted by DTSC's programs and activities and to provide environmental justice advice, consultation, and recommendations to the Director of DTSC and the Board of Environmental Safety. This requirement led to DTSC creating an Environmental Justice Advisory Council (EJAC).

According to DTSC, "The EJAC will convene conversations to amplify community and Tribal voices and provide a forum for open dialogue with decisionmakers. DTSC will use the advice and recommendations it receives from the EJAC to advance environmental justice objectives across DTSC's programs and activities. Through the recommendations provided by the EJAC, DTSC will cultivate new partnerships and strengthen existing ones that focus on community-informed solutions to address environmental inequities within DTSC's purview. The EJAC will recommend effective means of communications with affected communities and advise on pathways for just outcomes of DTSC actions. DTSC will pursue environmental justice objectives to improve environmental and public health outcomes now and for generations to come."

The purpose of the EJAC is to provide independent environmental justice advice, consultation, and recommendations to DTSC and the BES to help safeguard communities impacted by exposure to toxic substances under the regulatory oversight of DTSC.

The DTSC EJAC hosted four public meetings in 2025 and has met three times so far in 2026.

Issues for the committees to consider:

- *It's been raised that DTSC may not have the funding to continue the EJAC for much longer, could DTSC provide the Legislature with the current level of funding that supports the EJAC?*

Board of Environmental Safety:

SB 158 created the BES to improve DTSC's transparency, accountability, and fiscal stability. The BES is comprised of four part-time members and one full-time member. Three of the BES members are appointed by the Governor, including the full-time BES Chair, and subject to confirmation by the Senate. The Senate and Assembly each appoint one additional member.

SB 158 also established an Office of the Ombudsperson within the BES and requires the DTSC Director and the BES Chair to appear annually before Legislative policy committees. Additionally, SB 158 requires the Director to present and respond to the BES on any issue brought forward by a member of the public, the Ombudsperson, or a BES member, if requested by the BES. The BES monitors funding to ensure that DTSC remains solvent. SB 158 was enacted in part to create an equitable fee framework and to address historical funding shortfalls in the Toxic Substances Control Account (TSCA) and the Hazardous Waste Control Account (HWCA), which had relied heavily on General Fund backfills. The BES is required to determine fee rates by October 1 of each fiscal year.

More specifically, SB 158 requires the BES to:

- Conduct no less than 6 public meetings a year
- Set the following fees: environmental fee; generation and handling fee; and, facility fee.
- Hear and decide appeals of hazardous waste facility permit decisions.
- Provide opportunities for public hearings on individual permitted or remediation sites.
- Review and consider for approval the director's annual priorities for each program under DTSC, and adopt clear performance metrics for DTSC and each of DTSC's programs. Requires the DTSC director to provide annual updates on progress toward meeting these priorities and performance metrics.
- Conduct an analysis of the fee structure supporting DTSC's activities funded by the Hazardous Waste Control Account, the Hazardous Waste Facilities Account, and the Toxic Substances Control Account.
- Conduct an analysis of DTSC's program, the relationship between those programs and related programs in other regulatory agencies, including but not limited to the State Water Resources Control Board and Regional Water Boards, and CalRecycle, and develop recommendations to improve coordination between programs, and to reduce or eliminate duplication or overlap.
- Develop, in consultation with the Director, a multiyear schedule for the discussion of long-term goals for the following:
 - Processing of HW facility permits;
 - DTSC duties and responsibilities in law and proposal to improve those;
 - Site mitigation program and the prioritization of the cleanup of contaminated properties; and,
 - Implementation of enforcement.
- Create subcommittees, including but not limited to EJ and fee structure.
- Adopt regulations

- Annually prepare and transmit to CalEPA Secretary an annual review of DTSC's performance as compared to its objectives, including but not limited to the performance of the DTSC director.
- Adopt a Hazardous Waste Management Plan

Permit appeals by the BES

The Department of Toxic Substances Control (DTSC) issues permits to facilities authorizing the transfer, recycling, treatment, storage, and disposal of hazardous waste. Appeals of decisions to grant, issue, modify or deny a hazardous waste facility permit are administered by the Board of Environmental Safety. The BES ensures that permit appeals are handled fairly, timely, and lawfully, and that each participant is provided a full opportunity to be heard.

Except for appeals of temporary authorization decisions, appeals with BES are initiated by filing an appeal form and a petition with a statement of reasons. To appeal a decision by DTSC to grant, issue, modify or deny a hazardous waste facility permit, Standard Appeal Form BES-2301 must be filed no later than thirty (30) days after notice of the final permit decision.

Only a person who files comments on the draft permit (or modification) or participated in the public hearing on the draft permit (or modification) may petition for review of the permit (or modification) decision.

Issues for the committees to consider:

- *How effective was the BES's process in adopting the Hazardous Waste Management Plan?*
- *Could there be more direction from the Legislature in this process [to adopt the Hazardous Waste Management Plan]?*
- *Should there be a deadline for adopting the Plan?*
- *How have the appeals of DTSC permit decisions gone?*
- *Is this permit appeal process transparent and open to the public?*
- *Is there room for improvement with the permit appeal process?*
- *Does the BES have the tools it needs to properly assess DTSC's budget to levy fees?*

Hazardous Waste Management Plan -- Report.

In July 2023, as required by SB 158, DTSC released the first Hazardous Waste Management Report (Report), which presents data on the types and amounts of hazardous waste generated, transported, and disposed of in the state. This Report was used to inform the Hazardous Waste Management Plan (Plan), submitted to and ultimately adopted by the BES in 2025. These Plans will recommend strategies for waste reduction, capacity assurance, updated waste criteria, and environmental health inequity

solutions. The main objectives of the first Report were to establish a baseline understanding of the management of hazardous waste in California, identify data gaps and items that require additional research, and develop plans to fill data gaps.

In May of 2026, DTSC, as required by SB 158, released its three year update to the original Report. Below is a summary from the 2026 Report:

"Hazardous waste management programs nationwide are facing a surge of new waste streams that were not considered when many environmental protection requirements were put in place. This 2026 Update to the Hazardous Waste Management Report (Report) further highlights the complexities of the systems that exist today and the challenges to keep pace with changing technologies and products. As California leads the country's shift towards climate resilient technologies and to reduce toxic exposure to everyday products, the Department of Toxic Substances Control (DTSC) must ensure those technologies and products are properly managed at the end of their useful life. The 2026 Report provides updated information from the last five to six years with respect to the types and quantities of hazardous wastes generated in California and their final destination. The 2026 Report also includes additional research and information regarding trends in vehicular lithium-ion batteries reaching end-of-life, source reduction efforts across the state, how fees are used to fund hazardous waste management activities, and an overview of how some hazardous waste is identified outside of California. Key takeaways from the 2026 Report are:

- Since 2000, the annual amount of manifested hazardous waste generated in California has decreased from about 2.50 million tons to about 1.50 million tons but remains variable.
- Since 2019, manifested hazardous waste generation has ranged between 1.81 million tons to 1.45 million tons with the top three manifested hazardous waste streams remaining the same during that time period – soil, waste and mixed oil, and other inorganic solid waste.
- Since 2019, more than 80 percent of the total hazardous waste generated has been identified as hazardous in California but not federally or by other states.
- California ranked 15th in the U.S. in generation of federal hazardous waste, comprising less than 1 percent of the total Resource Conservation and Recovery Act (RCRA) hazardous waste generated in the U.S. in 2023.
- Since 2019, Los Angeles County has generated the most manifested hazardous waste (~2.98 million tons) followed by San Francisco County (~ 846,700 tons).
- Hazardous waste soil generation has decreased from 790,000 tons in 2019 to 370,000 tons in 2024. The number of soil generators also decreased from about 800 in 2019 to about 580 in 2024. The largest decreases in generators by industry type were in the Construction Industry and the Real Estate and Rental and Leasing Industry (decreases of over 80 percent). 5 Draft: Statewide Hazardous Waste Management Report – 2026 Update
- 84,866 tons of universal waste were handled in California in 2024, about 8 percent more than what was handled in 2021. Electronic devices were the top type

- of universal waste collected both in 2021 (about 50,880 tons or 65 percent of the total) and 2024 (about 71,450 tons or about 84 percent of the total).
- Compared to 2021, the tonnage of photovoltaic modules handled in 2024 increased by around 400 percent and the quantity increased by more than 32 times.
 - The number of permitted hazardous waste facilities decreased from 74 in 2021 to 67 in 2024. Seven additional facilities are closing or will not seek permit renewal.
 - Based on current trends and permitted capacity, the two hazardous waste landfills in California are estimated to reach capacity between 2034 and 2039.
 - California expects hundreds of thousands of vehicular lithium-ion batteries to reach end-of-life in the next decade and into the future.
 - Waste reduction efforts were attempted by all 15 generators whose source reduction reports were reviewed. Collectively, these generators successfully implemented hazardous waste source reduction projects totaling an estimated 4,320 tons during the four-year reporting period reviewed.
 - No single stewardship model has proven to be effective for all hazardous waste streams. Program designs have been tailored to waste-stream conditions, operational needs, and regulatory oversight needs."

Hazardous Waste Management Plan (Plan):

After the first Report and prior to the release of the draft Plan, DTSC conducted ten (10) public workshops to receive input from interested parties on potential goals and recommendations. DTSC coordinated intensively with the Board on the draft Plan to receive their input and to present at public Board meetings. The draft Plan included 10 goals and several recommendations to achieve them. DTSC presented the draft Plan at four (4) public hearings, discussed its content and intent with the Board, and listened to public feedback. The Board called on DTSC to focus on three principles: meaningfully reduce hazardous waste sent for land disposal or incineration, reduce health impacts from the entire hazardous waste management lifecycle, and create a sustainable infrastructure for better end-to-end management. The Board also recommended DTSC revise the Plan to emphasize source reduction as the first choice amongst the hierarchy of hazardous waste management options available and to set goals against which the Plan's success can be measured. The Board emphasized the need for DTSC to engage with interested parties, particularly with community members, to implement recommendations that DTSC anticipates may affect waste generation or management where they live. Finalizing the 2025 Plan DTSC worked with the Board to evaluate each goal and recommendation considering the feedback received. As a result of those discussions, the goals and recommendations were restructured and made clearer. For example, recommendations for draft Goal 2, regarding access to educational material for interested parties, were integrated into other goals. Additionally, the Board voted to remove draft recommendation 7.2, regarding alternative management standards for certain waste soil. Minor revisions include editorial corrections/clarifications in the appendices, which DTSC has posted on its webpage alongside the draft Plan. The 2025 Plan is organized into three ambitious goals with recommendations building upon each other. The goals

and recommendations are intended to drive health protective outcomes for all of California, and they require work by many interested parties.

Goal 1: Reduce hazardous waste generation and divert hazardous waste away from incineration or landfilling.

DTSC recommends seven (7) strategies to critically evaluate local, state, and federal policies to promote source reduction, waste reduction, and diversion to minimize the overall amount of hazardous waste that is sent to be landfilled or incinerated. The recommendations focus on laying the foundation for an informed waste reduction and diversion program involving collaboration between DTSC, local government agencies, generators, and other interested parties.

Goal 2: Ensure hazardous waste identification and management standards are scientifically sound, health protective, and environmentally safe.

DTSC recommends ten (10) strategies to pursue statutory and/or regulatory changes that ensure hazardous waste is appropriately identified and managed safely. The recommendations focus on criteria for ignitability, corrosivity, and reactivity, while continuing research on toxicity. In addition, this goal includes recommendations that promote less impactful management of some hazardous wastes.

Goal 3: Use data and resources to promote sustainable and health protective management from cradle to grave.

DTSC recommends ten (10) strategies to improve the data that underpins DTSC's hazardous waste management framework and use it to inform continuous planning efforts. The recommendations focus on collecting and using data to adapt California's standards to changing waste management needs, including minimizing the impacts of emerging waste streams.

Issue for Committees:

- *How will the Department implement the goals adopted by the BES?*
- *What has the BES learned through the adoption of the first plan that could improve the process, including public engagement, with the upcoming hazardous waste management plan?*

Updating community protections as part of the hazardous waste facility permit process:

SB 673 (Lara, Chapter 611, Statutes of 2015) was signed into law in 2015, creating an opportunity for DTSC to improve the permit process for hazardous waste facilities. Implementation of SB 673 is an opportunity to address long standing environmental justice concerns stemming from the location, operation, and expansion of hazardous waste facilities. The provisions of the bill provided for stronger permit criteria to further protect communities and consider "the vulnerability of, and existing health risks, to

nearby populations" when issuing new or modified permits and permit renewals. DTSC's efforts to implement SB 673 included dividing the regulations into two tracts. Between both tracts there are a total of seven permit criteria. In 2019, Tract 1 was implemented with five of the seven permit criteria. The five permit criteria in Tract 1 are as follows:

- *Past Violations*: DTSC developed a violation scoring procedure to score past violations in permit decisions;
- *Financial Assurance & Responsibility*: DTSC developed regulations to ensure hazardous waste facilities pay to clean up any contamination at the site;
- *Personnel Training*: DTSC required permitted hazardous waste facilities to ensure personnel were trained in safety, emergency plans, and maintenance of operations; and,
- *Health Risk Assessment*: DTSC required all permitted hazardous waste facilities to assess and report health risks they pose to surrounding workers and communities.

DTSC is finalizing the last two permit criteria that fall within Tract 2. The two pending criteria are:

- *Community Vulnerability and Health Risks*; and,
- *Setback Distances*.

On November 21, 2025, DTSC proposed regulations to update hazardous waste facility permit criteria for additional community protections.

As part the regulatory notice, DTSC provided the following information:

"The objective of this rulemaking is to establish earlier opportunities for public input, consider community vulnerability and public input in permit conditions, and enforce health-protective setback distances."

Violation Scoring Procedure (VSP): The VSP regulations, part of the Past Violations permit criteria mentioned above, became effective January 1, 2019. These regulations focused on evaluating the 78 hazardous waste operating facilities in the state and considering their compliance history as part of the permit decision-making process. According to DTSC, the VSP regulations apply to all permitted operating hazardous waste facilities, except for those facilities solely authorized by one of two types of authorizations: (1) post-closure permits or orders; and (2) permits and permit modifications for closure only. The regulations are intended to incentivize facilities to improve compliance performance and reduce the number of violations.

A Facility VSP Score is calculated by summing the scores for all Class I violations for compliance inspections over a rolling 10-year period, and then divide by the number of compliance inspections. DTSC assigns a facility to a compliance tier based on the Facility VSP Score. A facility is assigned to one of the following three compliance tiers: acceptable, conditionally acceptable, and unacceptable. An acceptable or conditionally acceptable tier is not subject to additional administrative dispute resolutions. However, a conditionally acceptable score requires compliance, with additional requirements as

described in the regulations. An unacceptable tier requires DTSC to initiate permit denial, suspension, or revocation proceedings for facilities that fall under that tier. A facility can challenge an unacceptable compliance tier assignment, in which case DTSC holds a public meeting to present the grounds for its decision, allow the facility to demonstrate opposition, and provide for a public comment period to weigh in on the pending permit decision. DTSC may still grant a permit or a permit modification to a facility given an unacceptable compliance tier assignment if DTSC determines the operation of the facility will not pose a threat to public health, safety, or the environment. However, DTSC is required by the VSP regulations to impose mandatory permit restrictions, which include limiting the length of the permit, requiring additional audits, and requiring the correction for all potential harm associated with facility operations.

Violations Scoring Procedure Regulation Update:

On January 23, 2026, DTSC initiating a rulemaking to update the violations scoring procedure regulation. As part of the regulatory notice, DTSC provided the following information:

"The proposed revisions to the VSP regulations include several changes that were required to address confusion identified in the implementation of the original regulations. In 2027, the VSP scoring will include both averaging and summation scoring methods to assign a facility to a tier. Beginning January 1, 2029, only the summation scoring will be utilized. The regulations will revise and clarify requirements for facilities under the conditionally acceptable compliance tier assignment."

The proposed regulation will provide clarity to both the regulated community and DTSC. There will be less ambiguity and reduced opportunity to misinterpret the regulations with these revisions. Scoring will more accurately reflect a facility's compliance history and a facility's potential threats to public health and/or the environment."

Issues for committees to consider:

- *Given that both the SB 673 and Violations Scoring Procedure regulations are currently in the regulatory process, it will be helpful to hear from the DTSC Director if these regulations are on track to be finalized in the near future and any additional updates regarding implementation of these regulations.*

Other items for background:

Exide Technologies in Vernon, CA:

In 2000, Exide Technologies, headquartered in Georgia, purchased a facility—first opened in 1922—in the City of Vernon, a few miles southeast of downtown Los Angeles. The facility occupied 15 acres in a heavily industrial region with surrounding residential areas. Facility operations included recycling lead-bearing scrap materials obtained from

spent lead-acid batteries. The facility processed about 25,000 batteries a day, providing a source of lead for new batteries. The Department of Health Services (DHS) Toxic Substances Control Division issued an interim status authorization in 1981 to Gould, Inc., operator of the facility at the time. While seeking a hazardous waste facility permit, the facility operated under that interim authorization until it closed in 2015.

As a result of extensive investigations, contamination from the facility was found both on-site and off-site. Activities conducted at the former Exide facility that may have contributed to contamination of offsite properties include battery breaking, smelting, refining lead, and storage, handling, and transportation of batteries, finished lead product, and other materials associated with lead recycling operations. Many of these activities occurred for decades before environmental statutes or regulations existed and without proper environmental control measures, and may have contributed to releases of lead in the residential area near the facility. In March 2015 Exide permanently closed the facility.

Residential cleanup near Exide: The Exide residential cleanup project constitutes the largest cleanup effort undertaken by California. DTSC is the lead agency overseeing the investigation and cleanup of residential properties, schools, parks, daycare, and childcare centers within the approximately 1.7-mile radius of the former Exide facility. Exide filed for bankruptcy in 2015, and while the pending permit had financial assurance for closure of approximately \$15 million, the extent of the contamination is significantly more costly. To date, the state has spent over \$780 million of taxpayer funds (from multiple fund sources) to remediate the contamination from Exide. The residential cleanup will have addressed 6,500 properties (when accounting for all funds allocated to date) and onsite remediation of soil has yet to begin.

Issue for the committees:

- *Could the DTSC Director provide an update on the cleanup of properties near the former Exide facility.*

Role in Fire cleanup

In the aftermath of the devastating January 2025 wildfires in Los Angeles County, the Department of Toxic Substances Control (DTSC), in coordination with the Department of Resources Recycling and Recovery (CalRecycle), is assisting Los Angeles County in recovery efforts by providing guidance to help residents and environmental professionals evaluate and clean up wildfire-related contamination in soil.

The guidance includes soil testing recommendations based on property condition, free soil testing programs, cleanup options and protective actions, as well as help understanding results and health screening levels.

Issues for the committees:

- *Could the DTSC Director provide an update on DTSC's role in wildfire cleanup.*

Issues with Landfills:

Chiquita Canyon is a 639-acre landfill that provides Santa Clarita Valley and surrounding Los Angeles communities with waste disposal services. It is located in Castaic, California, approximately 3 miles west of Interstate 5 on State Route 126 in the Santa Clarita Valley. It is owned and operated by Waste Connections, an integrated solid waste services company and has been operating for nearly 50 years. Over the past several years, DTSC has issued several violations of hazardous waste laws to the operator of the Chiquita Canyon landfill. Additionally, DTSC received resources in the recent budget for its role in the oversight of solid waste landfills.

Issues for the committees:

- *Could the DTSC Director provide an update on DTSC's role in the oversight of solid waste landfills.*

Metal Shredding Facilities:

California law defines a "metal shredding facility" as an operation that uses a shredding technique to process end-of-life vehicles, appliances, and other forms of scrap metal to facilitate the separation and sorting of ferrous metals, nonferrous metals, and other recyclable materials from non-recyclable materials. The shredding of scrap metal (e.g., end-of-life vehicles) results in a mixture of recyclable materials (e.g., ferrous metals and nonferrous metals) and non-recyclable material (i.e., metal shredder waste). Aggregate is generated after the initial separation of ferrous metals and consists of nonferrous metals that can be further recovered and metal shredder waste. Metal shredder waste consists mainly of glass, fiber, rubber, automobile fluids, dirt, and plastics in automobiles and household appliances that remain after the recyclable metals have been removed. Because scrap metal contains regulated hazardous constituents, it can contaminate and ultimately cause metal shredder waste to exhibit a characteristic of hazardous waste for toxicity. In a 2002 draft report on auto shredder waste, DTSC showed that metal shredder waste often exceeded the soluble threshold limit concentrations for lead, cadmium, and zinc.

Non-hazardous waste classification granted to metal shredding facilities: Based on the hazardous characteristics of metal shredder waste, in many instances, metal shredding facilities are hazardous waste generators and are thus subject to hazardous waste requirements, including permitting, transportation, and disposal. In the late 1980s, in an effort to relieve metal shredding facilities of these requirements, the Department of Health Services (DHS) (*the predecessor of DTSC*) determined that the metal treatment fixation technologies were capable of lowering the soluble concentrations of metal shredder waste such that the treated metal shredder waste was rendered insignificant as a hazard to human health and safety, livestock, and wildlife. Seven metal shredding facilities applied for and were granted nonhazardous waste classification letters by DHS,

and later DTSC, if they used the metal treatment fixation technologies. The authority to issue these classifications is found in subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations, and these determinations are now known as "f letters." These classifications ultimately allowed treated metal shredder waste to be handled, transported, and disposed of as non-hazardous waste in class III landfills (i.e., solid (nonhazardous) waste landfills).

Legislation to address impacts of metal shredding facilities: In 2014, Senator Jerry Hill introduced SB 1249, based in part on concerns about metal shredder safety due to recent fires at metal shredding facilities in his district, but also in response to the historic concerns about metal shredding facilities and their potential impact on the environment. The intent of the bill was that the conditional nonhazardous waste classifications, as documented through the historical "f letters," be revoked and that metal shredding facilities be thoroughly evaluated and regulated to ensure adequate protection of the human health and the environment. SB 1249 (Hill, Chapter 756, Statutes of 2014) was signed by the Governor and authorized DTSC to develop alternative management standards (different from a hazardous waste facility permit) if, after a comprehensive evaluation of metal shredding facilities, DTSC determined that alternative management standards were warranted.

DTSC's implementation of SB 1249: DTSC's implementation of SB 1249 included conducting a comprehensive evaluation of metal shredding facilities and metal shredder waste; determining if alternative management standards specific to metal shredding facilities could be developed to ensure that the management, treatment, and disposal practices related to metal shredder waste are protective of human health and the environment; preparing an analysis of activities to which the alternative standards will apply, made available to the public before any regulations were adopted; and, adopting emergency regulations establishing a fee schedule to reimburse DTSC's costs for the evaluation, analysis, and regulatory development for metal shredding facilities.

As part of this implementation, in January 2015, DTSC developed a three-year work plan to implement SB 1249. The work plan includes development of a treatability study on metal shredder wastes to demonstrate the highest level of treatment that can be achieved with the current technology, and an assessment of the potential for treated or untreated metal shredder waste to migrate off-site and impact residents or business occupants in the areas surrounding metal shredding facilities and landfills that accept metal shredder waste.

As part of the work plan, DTSC approved air monitoring summary reports for metal shredding facilities located in Bakersfield, Redwood City, and Terminal Island. Air sampling was conducted at the facilities during October 2016, to assess the potential for offsite emissions associated with the metal shredding operations.

Issue for committees to consider:

- *Can the Director of DTSC provide an update on its efforts to enforce and regulate metal shredding facilities?*