



# CALIFORNIA METALS COALITION

Main Office and Mailing Address: 2971 Warren Lane, El Dorado Hills, CA 95762

Lobbying Office: 500 Capitol Mall, Suite 2350, Sacramento, CA 95814

P. 916.933.3075 | F. 916.933.3072 | [www.metalscoalition.com](http://www.metalscoalition.com)

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Submitted via email: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov) and web page: [www.dtsc.ca.gov/fee-regulations](http://www.dtsc.ca.gov/fee-regulations)

Office of Legislation and Regulatory Review

Department of Toxic Substances Control

P.O. Box 806

Sacramento, CA 95812-0806

## **RE: California Metals Coalition (CMC) Comments on Proposed Fee for AB 2851--Fenceline Monitoring at Metal Shredding Facilities**

### *Background*

California is home to approximately 4,000 advanced metal manufacturing facilities, employing over 315,000 Californians. 8 out of 10 employees in the metalworking sector reside in economically disadvantaged communities. The average metals industry salary is \$80,000/year, including health benefits, which means a job in the metal manufacturing sector is often the only path to the middle class for many of these Californians.

California metal manufacturers use recycled metal (ex: aluminum, brass, iron and steel) to make parts for medical devices, aerospace, clean energy technologies, electric cars, biotech apparatuses, national defense, agriculture, infrastructure, construction machinery, household appliances, food processing and storage, movement of water, and millions of other products demanded by Californians.

Metal shredding operations are a vital part of California's manufacturing chain. Californians discard more metal than any other state in the US, and recycling metal at high volumes requires local metal shredders. Metal shredders are necessary for resource conservation, environmental impact reduction, lower energy costs, community safety due to illegal dumping, and cost savings versus metal mining.

### *Comments on Metal Shredding Fee Pre-Regulatory Workshop on January 13, 2026*

#### **Comment #1: Lack of Supporting Details and Transparency on the Proposed Fee:**

Since 1972, CMC has participated in local, regional, and statewide public workshops that seek public input on proposed fees. The transparent discussion of fees ensures that the public is paying for the services they receive, and at rates that are fair and justified. Agencies who disclose the details of their fees openly are more likely to be accountable for the services they provide, leading to higher standards and better outcomes for the public.<sup>1</sup>

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<sup>1</sup> ["The Benefits of Transparency: Why Being More Open is Good for Government" Institute for Government \(February 2024\)](#)

The 34-slide workshop presentation on January 13, 2026, did not provide the content needed to allow the public to effectively understand and/or analyze how the fees were derived. The presentation only included a single slide (Slide #20, pictured below) on the total fees. The slide stated that small shredding sites will pay \$396,000/site, and large metal shredding sites would pay \$475,000/site.

Department of Toxic Substances Control

### 2026-27 Metal Shredding Fee

DTSC is projecting that the annual projected cost for DTSC and OEHA for the 2026-27 fiscal year is \$4.4 million.

Tier	Calculation	# of Sites	2026-27 Rate
Small Metal Shredding Site	Base rate	4	\$396,000
Large Metal Shredding Site	Base rate + 20%	6	\$475,000

*\*Figures on this slide are subject to change (e.g., projected costs for 2026-2027)*

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The only additional detail provided was that the fee was based on horsepower (Slide #17, pictured below) of metal shredding machinery operated at the site. Two slides are not sufficient, especially when considering the lack of details on each slide. A full presentation on the proposed fee demonstrates respect for the public’s input and efforts, promotes better communication, enhances decision making, encourages collaboration, and builds trust.

- Department of Toxic Substances Control
- ### Basis of the Fee
- The fee is tiered based on the total metal shredding machinery horsepower at a site.
    - Small sites to be assessed as base rate
    - Large sites will be assessed the base rate plus 20%
      - Direct oversight of large sites requires 20% more time than small sites
      - More powerful machinery allows for higher throughput, potentially leading to greater environmental impacts and oversight costs
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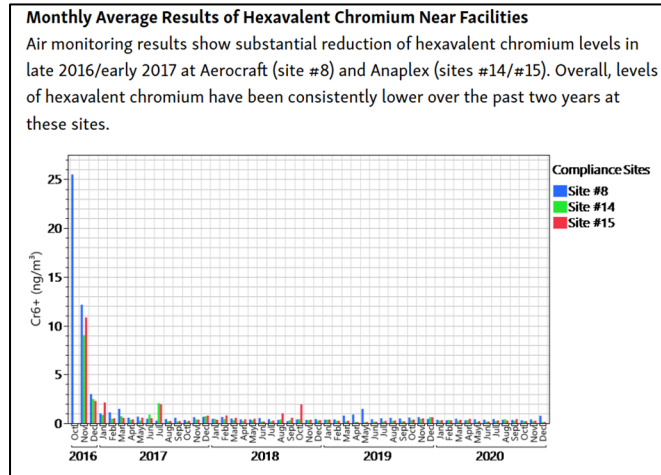
CMC cannot provide effective comments without very specific details on how the fee was derived. Since time is of the essence, we suggest that DTSC hold another public workshop within the next week that focuses on the fee, and includes all of the inputs that clearly detail the \$4.4 million per year fee.

**Comment #2: DTSC Sharing Its Review of Fenceline Monitoring Programs Already Implemented in the State.**

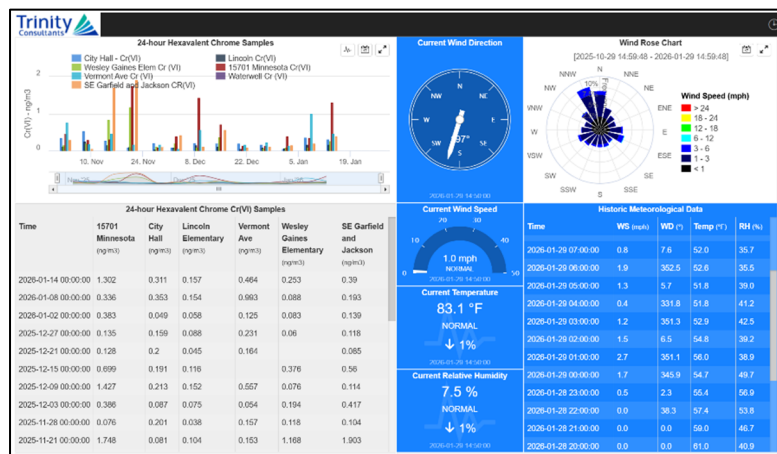
AB 2851 created a new fenceline monitoring program for the metal shredding sector. But fenceline monitoring programs are not new. They have been researched, developed and implemented in California for at least a decade.

Examples of fenceline monitoring programs include:

- From 2016-2021, SCAQMD has operated approximately 30 air monitors. This was a multi-agency activity to measure toxic air emissions, and report this data to the public.<sup>2</sup>



- From 2021-present, the city of Paramount has operated numerous air monitors throughout the city to measure toxic air emissions, and report this data to the public.<sup>3</sup>



- From 2017-present, SCAQMD Rule 1180 & Rule 1180.1 (Refinery Community and Fenceline Air Monitoring) has existed. This program is the most robust fence line monitoring program in the state, with some refineries covering 1,000+ acres.<sup>4</sup>



<sup>2</sup> [South Coast Air Quality Management District \(SCAQMD\) Fence Line Testing Program](#)

<sup>3</sup> [City of Paramount Fence Line Testing Program](#)

<sup>4</sup> [SCAQMD: Refinery Community Program and Fenceline Monitoring](#)

CMC suggests that when the DTSC provides details to the public on how the \$4.4 million fee was derived, this should include a full review of the current fenceline monitoring programs. This review would include interviews of the other government agencies that have implemented fenceline monitoring programs, and their related costs. Since AB 2851 is not unique, it is anticipated that a full review would greatly reduce the amount of DTSC fees proposed to establish a fenceline monitoring program under the new law.

### **Comment #3: Providing a Chart on What Unique Requirements AB 2851 Establishes**

Given that fence line monitoring programs that protect public health are already established—including testing protocols, methods for setting up air monitors, methods for collecting samples, thresholds for measuring test results, and public outreach—it is unclear whether DTSC is proposing fees to duplicate requirements already being implemented by California agencies.

As an example, the thresholds for toxic air emissions are already established. Metal shredding operations would be measured under AB 2851 by the same thresholds being used for other public health regulations—with the exception of Light Fibrous Material (*please see next comment*).

CMC suggests that when the DTSC provides details on how the \$4.4 million fee was derived, it includes a chart that describes what requirements under AB 2851 are unique for its fenceline monitoring program.

### **Comment #4: Light Fibrous Material (LFM) Fenceline Monitoring Under AB 2851**

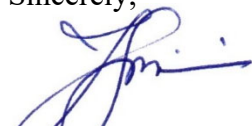
Monitoring LFM at the fenceline under AB 2851 is unique to metal shredding facilities, and will require some work by the DTSC. But the fee to create a fenceline monitoring program for LFM should not be based on a lengthy or complicated process. A fenceline monitoring device—which includes power, set-up, calibration, maintenance, and sample collection—is not capable of conducting ambient monitoring for LFM. As stated in other public workshops, the most effective way to conduct fenceline monitoring for LFM is to walk the facility perimeter and look for the presence of visible accumulations of LFM on the ground.

CMC suggests that when the DTSC provides details to the public on how the \$4.4 million fee was derived, there should be a separate reference to the cost anticipated to create fenceline monitoring for LFM.

### *Conclusion*

Thank you for the opportunity to provide written comments on DTSC's January 13, 2026 public workshop. I look forward to your responses, and to the next pre-rulemaking public workshop. If you want to contact me directly, please do not hesitate: [james@metalscoaliton.com](mailto:james@metalscoaliton.com)

Sincerely,



James Simonelli  
Executive Director