



# CALIFORNIA STATE ASSEMBLY

## PRESS RELEASE

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## **Assembly Introduces Bill Package to Reform Department of Toxic Substances Control**

**SACRAMENTO** – Assemblymembers Cristina Garcia (D-Bell Gardens), Jimmy Gomez (D-Los Angeles), Eloise Gómez Reyes (D-San Bernardino), and Miguel Santiago (D-Los Angeles) today introduced legislation designed to bring meaningful changes to the way facilities handling toxic substances are regulated and reviewed in California.

The package codifies recommendations made by an Independent Review Panel (IRP) proposing reforms to the Department of Toxic Substances Control (DTSC). The IRP report made several specific recommendations focused on the department's budgeting, permitting, enforcement, public outreach, and fiscal management.

For years, questions have been raised about DTSC's ability to adequately and effectively carryout its statutory responsibilities, especially in regards to its Hazardous Waste Management Program. DTSC has been criticized by the Legislature, State Auditor, and communities throughout the state for issues related to unclear permit processes, nontransparent policies, years-long workload backups, unresponsiveness to public concerns, and lax enforcement.

Widespread scrutiny of DTSC came to a head with the shutdown of Exide Technologies, a lead-acid battery recycling facility that had been operating for decades with an outdated permit. Prior to closing, Exide contaminated up to 10,000 properties with lead.

The Legislature created the Independent Review Panel to provide DTSC with a full programmatic review to restore its mission to properly protect public health. The IRP has been reviewing multiple aspects of DTSC for over a year and has issued recommendations for actions by the Governor, the Legislature, and the department itself.

While the Administration has instituted a number of reforms, there are several changes to law needed to ensure DTSC is able to carry out its mission. This package of bills is designed to make statutory changes to better protect human health and safety as well as the environment from exposure to toxic substances. A more transparent and effective regulatory agency will also benefit industry by providing clarity on how to follow regulations and preventing law-abiding businesses from being undercut by bad actors.

The package consists of five bills, each covering different recommendations contained in the report:

**AB 245 (Gomez)** - Strengthens hazardous waste facilities financial assurance requirements to ensure there are adequate resources set aside to clean up contamination caused by their facility. Also requires DTSC to hold public hearings in the impacted community upon receiving a hazardous waste facility permit renewal application.

**AB 246 (Santiago)** - Promotes the use of fence line monitoring by hazardous waste facility permit holders.

**AB 247 (C. Garcia)** - Creates a statewide lead taskforce to review and revise policies and procedures to reduce lead poisoning in the state.

**AB 248 (Reyes)** - Requires hazardous waste facilities to submit completed permit renewals two years before their permit expires in order to allow for sufficient review time. Also requires DTSC to post estimated dates of key milestones in the application review process on its website for each application.

**AB 249 (Gomez)** - Increases maximum penalties that DTSC can assess to match the maximum federal penalties for similar violations.

As the IRP continues its work this year, the Assembly will monitor its recommendations and evaluate whether further action is required.

Assemblymember Cristina Garcia (D-Bell Gardens):

"Exide was a failure of many levels of government, over a very long period of time. I am introducing AB 247 to ensure that the multiple levels of regulation we have in place to protect communities from lead contamination work together. AB 247 is needed so that at a minimum, the sharing of information between agencies can facilitate addressing man-made environmental catastrophes in a timely manner or more preferably be avoided in the first place."

Assemblymember Jimmy Gomez (D-Los Angeles):

"The Legislature needs to ensure that every Californian – no matter where they live – has a voice in protecting against potential polluters by quickly acting upon AB 245. With uncertain times in Washington, D.C., California must pass AB 249 and uphold its commitment to all communities by making sure polluters receive a just penalty when prosecuted by any agency. These two measures will help us avoid another toxic disaster like we experienced with Exide."

Assemblymember Eloise Gómez Reyes (D-San Bernardino):

"For too long, pollution has disproportionately burdened our most vulnerable communities. AB 248 takes important steps to bring Californians justice by reforming a drawn out process that has allowed hazardous waste facilities without adequate review to continue operating. This legislation will also provide increased transparency to the

review process, empowering leaders to advocate on behalf of clean, safe, and thriving communities. I am glad to stand with my Assembly colleagues in order to bring much needed change.”

Assemblymember Miguel Santiago (D-Los Angeles):

“With pollution from the former Exide Technologies facility as a major, ongoing issue in my district, I know first-hand the physical, mental, and emotional impact that a toxic disaster can have on a community. I have pledged, time and again to continue to fight for the right of all to clean air and water – and to prevent a mess like Exide from happening elsewhere. I am happy to be authoring AB 246 to establish a more comprehensive system of air monitoring around toxic facilities. I am proud to stand shoulder-to-shoulder with my colleagues on this important issue.”

Assembly Speaker Anthony Rendon (D-Paramount):

“Too many communities, including communities I represent, have been harmed by toxic emissions that were released into their neighborhoods—emissions that could and should have been stopped. The goal of this legislative package is a more transparent, accountable, and responsive Department of Toxic Substances Control—and safer and healthier communities throughout California.”

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