

SSFL Trailer Bill Talking Points

Unnecessary: The bill would require DTSC to enforce two administrative orders issued to DOE and NASA, as well as the property transfer prohibitions imposed under SB 990, at the Santa Susana Field Laboratory site. The Department is already obligated to enforce the orders as well as the provisions of SB 990. Thus the bill is unnecessary.

Confusing: The bill would explicitly incorporate and codify the terms of the two administrative orders issued to DOE and NASA. The bill thus immediately creates an ambiguous and confusing standard by incorporating entire enforcement orders into the Health and Safety Code.

Unduly Limits Executive Branch Discretion: The bill specifically provides that the terms of the DOE and NASA orders shall constitute the statutory cleanup requirements and obligations for two portions of the Santa Susana Field Laboratory site. The bill would prevent DTSC, DOE and NASA from modifying or clarifying the terms of the orders as more information is developed during the initial stages of clean-up and consideration of clean-up plans under CEQA. The bill would set unprecedented limits on the Administration's authority to make site specific clean-up decisions.

Circumvents Protections of CEQA: The bill would require cleanup of the soil at the Santa Susana Field Laboratory site so that the level of radiological or chemical contaminants in soil may not exceed local background levels, except as specified in the orders. The scope of such a clean-up has yet to be analyzed under CEQA. Thus, impacts to the community, the ecosystems at the site, and to Native American cultural resources has yet to be considered. Statutorily mandating a soil clean-up to local background levels must be subject to full analysis under CEQA, including consideration of appropriate mitigation measures. On its face, the bill would limit the consideration of alternatives and the scope of mitigation measures that could be considered under CEQA. Such circumvention of CEQA is inappropriate, and could result in the imposition of avoidable impacts that threaten public health and the environment.

Controversial: The bill is generating controversy among local community, environmental and SSFL watchdog activists because of the lack of transparency and the impact on CEQA. Many in the community are depending on CEQA to mitigate significant impacts on the local community and prevent the destruction of valuable biological, cultural and historical resources at SSFL.

Precedent: The bill invites further Legislative interference with site clean-up and CEQA processes.

Environmental Justice: Passing an extraordinary law that could be read to mandate an unprecedented cleanup to background and require special enforcement at SSFL – which is in a relatively prosperous community – raises questions about why less affluent communities elsewhere are being told that a cleanup under normal California law is sufficient to protect them from sites that are just as (or more) contaminated as SSFL. Why should the SSFL community get special treatment when DTSC's own experts have said the normal cleanup process would be sufficient to protect them?