



August 25, 2014

Governor Jerry Brown  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814  
Fax: (916) 558-3160

California EPA Secretary Matt Rodriquez  
Cal EPA  
Fax: (916) 324-0908

Re: SB 812

Dear Governor Brown and Secretary Rodriquez,

We are writing on behalf of Consumer Watchdog and the Center for Community Action and Environmental Justice because we have learned from the attached letter that our top toxics regulator is working to derail Sen. Kevin de Leon's important bill, SB 812, to reform its permitting process and to close down serial polluters like Exide Technologies in east Los Angeles. See: <http://www.consumerwatchdog.org/resources/dtsc-opposition-sb-812.pdf>

We call on you not to side with the Department of Toxic Substances Control (DTSC) and the polluters who also oppose SB 812, but instead to break with this agency among your ranks and agree with us on the necessity for serious reform of the department so that it can fulfill its mission of protecting the public from toxic harm.

DTSC's August 14 letter to Senator de Leon states that most of the bill's provisions are "unnecessary because these issues are already being addressed administratively." The reason we need this legislation is because DTSC has refused to deal administratively with serial polluters, cutting them endless breaks and levying wrist slap fines instead of suspending, denying or revoking permits for breaking any number of state environmental laws, as is authorized under California statute.

Specifically DTSC is against most of the features that would force meaningful reform, including the establishment of a new Bureau of Internal Affairs to investigate allegations of misconduct, statutory deadlines requiring DTSC to define the criteria for denying hazardous waste polluters permits, the posting of DTSC and other environmental agency enforcement actions taken against companies on an easily accessible website, and the requirement that independent third parties, and not industry-hired consultants, assess abatement and remediation of illegal hazardous waste releases.

DTSC has fallen down on doing its job too badly to allow business as usual, as you know from criticism by advocates and the media, a negative independent review of its permitting program, and a recent State Audit that uncovered \$194 million in unbilled or uncollected costs for DTSC oversight of toxic cleanups.

The DTSC's abject failure to properly permit companies like Exide for decades at a stretch, to shirk meaningful enforcement action, to ignore the statutory requirement that companies put up the money to perform corrective action when ordered, and to lowball the amounts companies must put up in exchange for a permit to cover closure and cleanup of facilities is the reason that we need this legislation.

For example, we believe the amount of money needed to clean up Exide could be from \$100 million to \$200 million. Exide was made to put up only a total of \$10 million. It is Californians who will foot the bill for this bankrupt company should it walk away from its Los Angeles operation while nearby residents have been blanketed with hazardous waste levels of lead, arsenic and other contaminants.

As you know, Consumer Watchdog is already in litigation with DTSC for allowing Boeing's disposal of radioactive debris from the Santa Susana Field Laboratory in Simi Hills at recyclers and municipal landfills not licensed or equipped to accept such waste. An internal oversight mechanism, such as the Bureau of Internal Affairs, to conduct investigations of allegations of misconduct and to liaise with affected community representatives is vital, otherwise we can continue to expect scandal after scandal.

DTSC has proven that it is not capable of reforming its own culture and practices to be able to protect Californians from either toxic or fiscal harm. We write to ask that you take the side of the public in supporting this critical legislation, rather than the side of DTSC and the companies it regulates. These polluters see damage to public health as something to be brushed aside, and wrist-slap fines simply as a cost of doing business.

We believe that communities do not need to pay for economic growth with damage to their health. We are sure that you agree and that, just like us, you would like to make this department into one that is, as recent a *Los Angeles Times* editorial puts it, worthy of its name.

Please let us know when we can meet. We look forward to hearing from you.

Sincerely,

Liza Tucker, Consumer Advocate, Consumer Watchdog  
Penny Newman, Director, Center for Community Action and Environmental Justice

CC:  
Martha Guzman  
Cliff Rechtschaffen  
Ken Alex

Sen. Kevin de Leon