

Department of Toxic Substances Control

Fiscal Year 2024-2025 Evaluation

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Executive Summary

Senate Bill 158 (2021) requires the California Board of Environmental Safety (“BES” or “Board”) to prepare an annual review of the Department of Toxic Substances Control (“DTSC” or “Department”) and its leadership and to transmit this review to the Secretary for Environmental Protection. This Fiscal Year 2024-2025 Evaluation reviews DTSC’s performance as compared to DTSC Director Katherine Butler’s Director’s Priorities, as presented to the Board in December 2024. Specifically, the Board evaluated whether DTSC’s activities achieved the deliverable(s) and where necessary, identified data gaps and provided recommendations.

DTSC Director Butler’s [Fiscal Year 2024-2025 Priorities](#) emphasize enforcement, hazardous waste management, community engagement, equity and environmental justice, sustainability and climate resilience, protecting California’s water through the Safer Consumer Products Program, and attaining fiscal stability for DTSC. The Director’s 2024-2025 Priorities include five priorities and 39 sub-deliverables.

In August 2025, Director Butler provided the Board with the [Fiscal Year 2024-2025 DTSC Director’s Priorities Year End Progress Report](#) and [associated cover letter](#). The Progress Report describes significant and unanticipated challenges faced by DTSC in fiscal year 2024-2025, including: (i) conducting Phase 1 Debris Removal for the Los Angeles wildfires in record time and collaborating with State and County partners to provide technical assistance; (ii) issuing a Summary of Violations and an Imminent and/or Substantial Endangerment Order against Chiquita Canyon Landfill for multiple violations of California hazardous waste control laws, and overseeing the facility’s implementation of this Order; and (iii) managing the federal administration change. The Year End Progress Report includes status updates for the Director’s Priorities. At the August 27, 2025, Board meeting, Director Butler committed to continue providing updates at future Board meetings on partially completed 2024-2025 Priorities. Since submission of the Year End Progress Report, DTSC has completed several additional deliverables. As of January 2026, 77 percent of deliverables are complete (30 of 39).

On February 5, 2026, the Board will invite members of the public to comment on DTSC’s performance. Comments will be accepted till March 9, 2026. All written comments that the Board received will be appended to this evaluation.

The Board thanks DTSC leadership and staff for their significant efforts in 2024-2025 to protect Californian’s public health and the environment, and for DTSC’s continued collaboration with the Board.

Priority 1 - Strengthen Enforcement

Director's Deliverable 1.1: Consistent, Timely, and Equitable Enforcement.

"Enforcement is foundational to all of our work at DTSC. DTSC will strengthen its use of enforcement tools across all programs in accordance with Secretary Garcia's direction in a timely, transparent, holistic, and equity-centered manner. A newly formed cross-program Enforcement Governance Team will update enforcement procedures, publish a real-time, interactive enforcement map, and aid enforcement on high priority cases. Penalties generated by this effort will be used to fund Supplemental Environmental Projects that will benefit vulnerable communities. DTSC will maximize the use of its enforcement tools and agency partnerships to promote healthier communities with improved access to clean air, clean water, and clean soil."

Sub-Deliverable 1.1.1 Mapping inspection sites.

"Develop a map that identifies the inspections conducted by DTSC in the current Fiscal Year. The map will be searchable by county and by date."

Status Reported by DTSC: Complete

BES Evaluation: DTSC satisfied this commitment and published the Inspection Site Map on January 30, 2025. The map is updated in real time once an inspection is completed and includes pertinent inspection information linked to EnviroStor. BES commends DTSC for making inspection data available. This tool improves public access to enforcement activity information.

BES Recommendation: DTSC should survey or request input from the public regarding use of the map and access to inspection information in EnviroStor. Apart from the visual element of an Inspection Site Map, DTSC should publish data regarding the number of generator, transporter and permitted facility inspections conducted each year, shown in relation to the total universe of generators, transporters and permitted facilities, so that trend information can be generated year upon year.

Sub-Deliverable 1.1.2 Expand opportunities for Supplemental Environmental Projects.

"Contract with a third-party independent administrator to expand opportunities for Supplemental Environmental Projects."

Status Reported by DTSC: Complete

BES Evaluation: DTSC met its commitment in December 2024 to contract with a third-party administrator, The Rose Foundation, to expand the use of Supplemental

Environmental Projects (SEPs). During FY24-25, 20 percent (12 of 60) of DTSC's settled cases included SEPs. Of these 12 cases, two SEPs have been completed, while DTSC continues to oversee 10 SEPs currently in progress. The Rose Foundation's role should become more apparent in 2026 as the foundation is expected to continue collecting funds in the account in instances when violators select the Environmental Justice for California's Environment and Communities (EJ CEC) Fund as a SEP. DTSC expects the grantmaking process to begin in 2026.

BES Recommendation: BES welcomes an annual DTSC presentation during Board meetings on the SEP process. Focusing publicly on SEPs (both completed and underway) may build public understanding and support for DTSC's compliance and enforcement process, especially the added community benefit of completed SEPs. BES remains interested in the Rose Foundation's new role in the SEP process and the results to be achieved.

Sub-Deliverable 1.1.3 Process improvements for timely enforcement.

"Implement process improvements to facilitate more timely enforcement using administrative and civil actions."

Status Reported by DTSC: Partially Complete

BES Evaluation: DTSC continues to make process improvements for timely enforcement. Numerous efforts, including multiple internal initiatives and projects such as the initiation of four Lean Six Sigma projects over the past 10 years, have improved enforcement timeliness. Although significant improvements have been made in completion timelines for inspection reports and enforcement cases, the Enforcement and Emergency Response Division (EERD) has yet to meet some of the goals set forth by their [Enforcement Policy](#) due to limitations associated with EnviroStor and its costly enhancements and high variance among EERD's enforcement cases.

BES Recommendation: DTSC should compile, present, and publish year-on-year data for administrative and judicial compliance enforcement actions, both civil and criminal. This, juxtaposed with the level of person-years dedicated to inspection, compliance and enforcement, will help inform public understanding of the vigor of DTSC's outputs (though not the outcomes). In aiming to define what is "timely enforcement," it may be possible to link inspector write-ups (immediately following an inspection) with data on compliance action(s) taken. Ideally, DTSC would publicly report to BES on this at six-month frequency. Lastly, very little public communication follows routine completion of compliance enforcement actions, and BES suggests DTSC increase the frequency of press releases for enforcement actions.

Sub-Deliverable 1.1.4 Enforcement Policy for the Site Mitigation and Restoration Program.

“Create a cleanup program enforcement policy which will include, among other things, a program-wide policy to pursue all viable, identifiable potentially responsible parties to perform cleanups under enforceable orders prior to spending State funds on cleanup activities.”

Status Reported by DTSC: Partially Complete

BES Evaluation: DTSC has not yet completed the Enforcement Policy for the Site Mitigation and Restoration Program (SMRP). SMRP has created four new Management Memoranda providing guidance on Vapor Intrusion, Decision-Making and Elevation Directives, and an updated Delegation Directive. These memorandums will assist regulated entities with guidance on cleanup activities and ensure SMRP operates in a consistent and efficient manner. By next fiscal year, SMRP plans to update a minimum of five Cost Recovery Departmental Procedures Memoranda in addition to work concurrently taking place to establish consistent, efficient, and effective approaches across SMRP.

BES Recommendation: DTSC should commit to a completion date for the Enforcement Policy and describe the policy to the public at a future Board meeting.

Sub-Deliverable 1.1.5 Build SCP's Compliance and Enforcement Capacity.

“Refine existing procedures for conducting compliance and enforcement within SCP.”

Status Reported by DTSC: Completed in October 2025 (originally targeted for June 2025)

BES Evaluation: Safer Consumer Products (SCP) continues to build its compliance and enforcement capacity. For example, the program is evaluating priority product listing compliance for both 6PPD¹ in tires and toluene in nail products and is preparing for compliance efforts related to nonylphenol ethoxylates in laundry detergents. SCP has provided responsible entities with guidance, including templates, videos, and webinars to educate responsible entities about their duty to comply and compliance options. During FY24-25, DTSC has either initiated or continued compliance initiatives for six priority products, all of which have included outreach to manufacturers or other entities.

The [Testing Nail Products in California for Toluene: Summary of Findings](#) compliance report was published in October 2025.

¹ N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD)

BES Recommendation:

Status updates on current compliance efforts and future priority product rulemaking should be shared publicly at a Board meeting in 2026.

Director's Deliverable 1.2 Metal Shredders.

"DTSC will continue to pursue steps to hold metal shredders – many of which are in our most vulnerable and underserved communities – accountable through enforcement activities and strengthening our regulatory oversight."

Sub-Deliverable 1.2.1 Metal shredder inspections.

"Conduct six inspections at metal shredders over the course of FY24-25."

Status Reported by DTSC: Complete

BES Evaluation: For FY24-25, DTSC proposed to hold metal shredder facilities accountable through regulatory oversight and enforcement, as many metal shredder facilities are located in vulnerable and underserved communities. For FY24-25, DTSC aimed to inspect six metal shredder facilities and ultimately inspected all nine facilities in the state.

DTSC found that five facilities were in compliance at the time of inspection, three were found to have one violation issued and one facility is pending an inspection report. BES commends DTSC for their diligence in the inspection and citing of metal shredder facilities.

BES Recommendation: BES endorses the prompt completion of inspection reports and posting them online for public access. BES invites semi-annual updates from DTSC at its Board meetings to update the Board and the public.

Sub-Deliverable 1.2.2 Workgroup collaboration.

"The Rapid Response Taskforce that formed after the fire at Radius Recycling in 2023 has evolved and will become a standing collaboration. DTSC will formalize its participation in this collaborative workgroup with West Oakland Environmental Indicators Project, USEPA and partner agencies."

Status Reported by DTSC: Complete

BES Evaluation: DTSC formalized the Rapid Response Taskforce collaborative workgroup on January 15, 2025, when it signed a Memorandum of Understanding (MOU) with the West Oakland Environmental Indicators Project (WOEIP) and the California Environmental Protection Agency (CalEPA). Through the MOU, DTSC, CalEPA, and WOEIP agreed to work together on environmental issues in West Oakland, California. The collaborative workgroup has met a total of three times for FY24-25.

BES Recommendation: The community collaboration with the metal-shredder facility (Radius Recycling), regional, state, and federal representatives is a specific, vital, and focused effort to discuss and resolve longstanding issues, and merits continued support. BES welcomes updates from representatives to this taskforce at its public meetings.

Priority 2 - Institutionalize Community Engagement

Director's Deliverable 2.1 Exide community engagement.

"DTSC took major steps to transform community engagement in the Exide cleanup. Several key commitments have been incorporated in the implementation of the cleanup. DTSC will continue to engage with residents, workers, and local government in multiple forms and will solicit feedback on engagement approaches. The vision for this engagement is that the community voice is integrated into the decision-making process; those impacted by the cleanup have access to the information they seek; and the contractor and DTSC are responsive to inquiries and community needs. The addition of a third-party monitor provides a means of validating whether DTSC's engagement approaches are successful. DTSC is applying the successful community engagement models employed for this project as best practices for projects across the state."

Sub-Deliverable 2.1.1 Exide Cleanup reporting for transparency.

"Establish and continue to provide transparency using the [Exide Cleanup Feedback Management System](#). Regularly provide updates to BES and Exide community on any trends observed in the reporting. Provide frequent updates on the Exide project website, as well as through community meetings regarding the progress of the Cleanup program. Track and report on the number of issues reported and resolved and on timeliness of resolution. Employ data from real time air monitoring, worker safety and other important community information and share reports of the results."

Status Reported by DTSC: Complete

BES Evaluation: The Exide Cleanup Feedback Management System (ECFMS) was launched in February 2024 and publicly demonstrated at a Maywood community meeting on February 15, 2024.

According to the Department's website, the ECFMS allows community members to "ask questions, report issues, or leave comments," with responses generally provided within two business days. The Department reports that this response timeframe continues to be met, though some concerns require additional time to resolve after the initial response.

The Department continues to maintain and update an interactive cleanup progress map on the Exide webpage. This tool tracks cleanup by parcel and provides soil

sampling results for both residential and parkway sites. Additional updates are provided through quarterly public meetings, website postings, BES meetings, and information sessions during “Exide Office Hours.”

Regarding worker safety data, DTSC’s transparency remains inconsistent. The Department’s website contains only limited preliminary information for worker safety data within the evaluation period—specifically, employee Personal Air Monitor (PAM) data from March–July 2024 and employee blood lead level data from February–May 2024. The third-party monitor provided limited report-outs on this data to the Exide Working Group at their bi-weekly meetings. This limited dataset does not provide sufficient detail for a comprehensive evaluation.

Conversely, air monitoring data for residential and parkway cleanups demonstrates stronger transparency. The Department’s Air Monitoring Dashboard provides near-real-time access, with data posted within two business days after cleanup activities conclude. The website also states that the public may request additional air monitoring data through the ECFMS. In accordance with South Coast Air Quality Management District (AQMD) Rule 403 and/or 1466 and DTSC’s Work Plan, the Department confirms that cleanup work halts immediately when real-time data indicate elevated dust levels, and dust suppression measures are then implemented.

Based on the accessibility and frequency of reported data, the Department appears to emphasize real-time air monitoring from residential and parkway cleanups as its primary mechanism for transparency and data sharing.

BES Recommendation: While the launch of the ECFMS was completed, which represents significant achievement following eight years of community advocacy for improved responsiveness, a transparency gap remains in ECFMS reporting.

There is currently no publicly available summary data on the Department’s website, in reports to the BES, or within community updates that detail the total number of issues reported and resolved; average and actual resolution timeframes beyond the two-business-day goal; and categorization or trend analysis of community concerns.

This information is critical for demonstrating accountability and identifying recurring issues within the community. The Board recommends that the Department:

- Provide regular key updates at BES meetings on ECFMS data;
- Ensure digital access to weekly Exide third-party monitor reports to keep the Board and public informed of community concerns and field issues, including worker health and safety. This information would provide transparency and allow for productive discussions during public and Exide Technologies Advisory Group (ETAG) meetings; and

- Publish worker safety metrics on DTSC's website on a consistent (at least monthly) basis to strengthen transparency and accountability regarding worker health and safety.

Sub-Deliverable 2.1.2 Revamp residential cleanup outreach.

"Establish new efforts and continue existing efforts of community engagement that is responsive and authentic, including continued work with the Exide Working Group and the Exide Technical Advisory Group. In August 2024, DTSC established a pilot program for "office hours" called "Information Station." DTSC will report the number of program participants, the number of visitors to the office hours, and the types of concerns addressed and resolved."

Status Reported by DTSC: Complete

BES Evaluation: The Department has expanded community engagement through new and existing efforts, including continued collaboration with the Exide Working Group, the Exide Technical Advisory Group (ETAG), and the Exide Third Party Monitor. The Department also increased outreach via social media and launched Exide Office Hours ("Information Station") on August 6, 2024, to provide direct community access to cleanup information and support.

From July 2024 through June 2025, approximately 20 Exide Working Group meetings were held, including site visits and tours. Department staff also worked with community and labor partners to improve health and safety practices. These efforts reportedly helped the Department meet cleanup goals while remaining under budget.

However, public data on the effectiveness of outreach remains limited. Metrics such as the number of participants in Office Hours, concern categories, and resolution outcomes have not been published online. The Department reports that only 15 visitors have attended Office Hours since its launch. While the Department completed planned outreach activities, approximately 600 parcels within the Exide Preliminary Investigation Area (PIA) remain unsampled or uncleared due to property access permissions, despite ongoing efforts to secure permissions.

BES Recommendation: The Department should:

- Collect and publish quantitative data on Office Hours participation, concern types, and resolution outcomes on a quarterly basis to align with community meetings, where this data will also be presented.
- Document and share engagement activities with the Exide Working Group and ETAG, including meeting frequency, attendance, key discussion topics, and how community feedback informs cleanup actions.
- Use these reports to demonstrate authentic engagement and assess whether outreach efforts are effectively reaching the communities impacted by the Exide contamination.

Sub-Deliverable 2.1.3 Promote public health through community partnerships.

“Continue to provide opportunities for community members to learn about the project as well as promote public health and care through Exide staff participating in community forums hosted by other agencies and environmental justice organizations (such as the lead symposium, and LAEJN program), collaborate with public health departments for screening and public education.”

Status Reported by DTSC: Complete

BES Evaluation: The Department has maintained and expanded community engagement through three hybrid public meetings (August 21, 2024; February 26, 2025; and May 14, 2025), door-to-door canvassing, and increased social media use.

The Department continues to partner with the Los Angeles County Department of Public Health, providing on-site blood lead testing at all community events – an important public health resource. Coordination with State and local agencies occurs through bi-weekly interagency meetings, though summaries of these meetings are not made public. Staff have also attended professional forums such as lead symposiums and collaborated with environmental justice organizations like the Los Angeles Environmental Justice Network (LAEJN); however, documentation and readouts from these collaborations remain limited.

BES Recommendation: The Department should:

- Formalize collaborations with environmental justice organizations (e.g., through co-hosted events, memoranda of understanding, or joint educational initiatives); and
- Publish summaries of bi-weekly interagency coordination meetings to enhance transparency about how government and health agencies support cleanup efforts.

Director’s Deliverable 2.2 Adopt best practices for community engagement.

“As one of the larger more complicated projects for DTSC, the Exide Cleanup Program required the use of many different communications tools and engagement strategies. These included establishing working groups, electronic feedback system, office hours, and partnerships with local public health agencies. Success with these initiatives has motivated DTSC to implement similar strategies with projects, such as the Santa Susana Field Laboratory cleanup.”

Sub-Deliverable 2.2.1 Evaluate performance of public engagement tools.

“Evaluate the performance of each public engagement tool and determine which tools are appropriate for each type of project.”

Status Reported by DTSC: Complete

BES Evaluation: DTSC uses a range of engagement tools across programs, including surveys, office hours, advisory groups, and web communications. However, DTSC has not established a consistent framework to evaluate effectiveness of each tool or to determine which tools are most appropriate for different types of projects. The absence of standardized metrics limits the Board's ability to assess impact or ensure engagement approaches are equitable and responsive. We are unable to ascertain which tools DTSC evaluated for this sub-deliverable and for which projects they were deemed appropriate.

BES Recommendation: DTSC should evaluate the performance of each public engagement tool, identify which tools are appropriate for each type of project, and develop a clear evaluation framework for community engagement that considers the following:

- Measurable engagement metrics that track number of doors knocked on, how many residents engaged/responded, number of community meetings held and attendance, number of surveys distributed and completed, and the reach and readership of newsletters, web updates, and EnviroStor postings.
- Assessment of the effectiveness and impact of engagement tools, not only by output (how many people were reached) but also by outcomes (how community awareness, participation, or satisfaction improved as a result). For example, tracking changes in community participation rates across project phases, collecting feedback from community members about which tools were most useful or accessible, and documenting lessons learned from each project to inform future engagement planning.
- Project-specific engagement goals tailored to the impacted community (e.g., number of households reached, frequency of communications, accessibility accommodations). DTSC should track and report progress toward these goals.
- Additional accessible tools, or companion platforms to EnviroStor, to ensure timely and meaningful communication with residents in vulnerable communities.

Sub-Deliverable 2.2.2 Public Participation Manual.

"Start the overhaul of DTSC's Public Participation Manual. The Public Participation Manual was developed in the early 2000s and has not been revised since. With the recent strides DTSC has made in this area, DTSC will perform necessary revisions to the manual which incorporate the best practices for community engagement."

Status Reported by DTSC: Partially Complete

BES Evaluation: Progress on sub-deliverable 2.2.2 has been delayed and is expected to be completed by June 2026. The purpose of the Public Participation Manual is to provide a comprehensive look at how DTSC engages with community,

stakeholders, and other agencies. The manual is a policy document and guide that governs the work performed by the Office of Environmental Equity (OEE) Public Participation Program. The current manual was first published in 2001. The revised manual will include explanation of legislative mandates and authority that require some of the activities listed in the manual, new environmental laws, and the use of modern technology and communication tools.

BES Recommendation: Given the importance of this manual in guiding DTSC's statewide community engagement practices, the Board emphasizes that its revision process should model the principles of transparency and inclusivity that the manual seeks to promote. DTSC should engage stakeholders early in the manual revision process, including community partners, environmental justice advocates, and local government representatives. BES also recommends that DTSC engage with community, stakeholders, and other agencies to collaborate throughout the drafting process and explore establishing a working group, which would align with best practices for equitable community engagement and to help ensure the manual reflects real-world experiences and challenges. The revision process should be transparent, include clear milestones and incorporate feedback loops, and reflect the Board's recommendations for sub-deliverable 2.2.1 above.

Sub-Deliverable 2.2.3 Trainings for Staff.

"Develop trainings for technical staff to become proficient in conducting public engagement."

Status Reported by DTSC: Complete

BES Evaluation: The Department's public and community engagement is handled by the Office of Environmental Equity (OEE), a support program for the Department. OEE utilizes various platforms for professional development and training opportunities offered every month through their OEE Community of Practice (COP) meetings, which are their mandatory all-OEE staff meetings. OEE uses a combination of specialized trainings that are offered as the needs develop or resources are available, in-house trainings, statewide training offered through CalLeads, and trainings in coordination with other agencies such as California Natural Resources Agency or State Water Resources Control Board. Staff training is based on the specific needs of each staff person.

BES Recommendation: To further enhance staff proficiency in conducting effective and equitable public engagement, BES offers the following recommendations to DTSC as it designs and implements its training program:

- **Establish a Formal Training Framework:** Develop and adopt a structured annual training plan that identifies core competencies essential for public engagement, such as facilitation and cultural competency. A formalized framework would promote consistency across staff and allow for systematic assessment of training completion and outcomes.

- **Strengthen Interagency Collaboration:** Expand collaboration with agencies such as the California Natural Resources Agency and the State Water Resources Control Board to co-develop and co-facilitate public engagement trainings. Joint efforts would enhance consistency in statewide engagement practices and promote knowledge exchange across agencies.
- **Implement Evaluation and Continuous Improvement Processes:** Document training participation and evaluate training effectiveness by introducing standardized post-training evaluations and periodic staff and community stakeholder assessments to measure the effectiveness and applicability of training content. The resulting data should be used to refine training modules and address emerging needs in public engagement practices.
- **Integrate Equity and Community Trust Principles:** Embed equity-focused modules within the training curriculum that emphasize best practices for engaging vulnerable and underrepresented communities. Training content should address linguistic accessibility, cultural sensitivity, and approaches to building trust with affected populations.
- **Develop a Centralized Knowledge Repository:** Establish an internal repository to house training materials, case studies, and engagement resources. This platform would serve as an ongoing learning tool, ensuring institutional continuity and easy access to information that supports high-quality public engagement efforts.

Priority 3 - Promote Equity

Director's Overview of Priority 3:

"Under this objective, DTSC will prioritize work that shapes how we deliver programs and services to drive equitable outcomes. DTSC has made significant strides toward embedding environmental justice in its programs. In 2024, we used new ways of engaging communities more actively in our decision-making processes. In the coming year, DTSC will solidify the progress we've made engaging with communities to carry this work further. By viewing our decisions through equity and environmental justice perspectives and providing greater transparency, we enable more authentic and responsive engagement and, more importantly, more equitable outcomes for vulnerable communities."

Director's Deliverable 3.1 Environmental Justice Advisory Council.

"SB 158 called for the establishment of an Environmental Justice Advisory Council (EJAC). As stated on the BES website: *The EJAC will work to provide independent environmental justice advice, consultation, and recommendations to promote and protect those who are more negatively impacted by toxic exposure. EJAC members will work collaboratively with communities impacted by DTSC's work to develop solutions that will not only improve the health of those communities but will reduce toxic threats throughout the state and promote fair treatment and meaningful involvement of all people regardless of race, ethnicity, color, national*

origin, sexual orientation, or income."

Sub-Deliverable 3.1.1 EJAC structure and documents.

"Finalize the EJAC Framework, Scope of Work, EJAC member application, and process for selecting members – August 2024."

Status Reported by DTSC: Complete

BES Evaluation: DTSC published an Environmental Justice Advisory Council (EJAC) [framework](#). The document lays out the guiding principles for the EJAC's work: Prioritizing and elevating actions to promote human health, prevent harm, and provide for equal protection from environmental hazards; and fair treatment and meaningful engagement with underserved communities when addressing environmental impacts and projects. In combination with the [Scope of Work](#), DTSC seeks to ensure that the department's activities, regulations and policies are inclusive, equitable, and take into account the effect their work has on vulnerable communities.

This sub-deliverable includes the process for selecting members. The EJAC member selection process was shared with the BES subcommittee. Although DTSC did not establish the EJAC by the August 2024 deadline, sub-deliverable 3.1.1 was met.

BES Recommendations for DTSC (and BES):

- Regular BES and DTSC Meetings with EJAC: The DTSC Director and BES Chair should continue to support the EJAC, including through meetings with the EJAC Co-Chairs and other activities as determined appropriate by the EJAC. These would be in addition to the BES subcommittee's regular interactions with the EJAC Co-Chairs.
- Establish Accountability Mechanisms: Define how EJAC recommendations will be formally considered by DTSC and BES leadership, including publishing and/or communicating responses (accept/reject/modify) with rationale. This will ensure the council's work has tangible impact.
- DTSC Staff to Provide Structural Support for EJAC Members: Continue to provide support, including detailed briefings on DTSC's programmatic areas, goals, and vision to ensure that the EJAC can identify with specificity where to focus its work.

BES Recommendations for EJAC:

Report on Progress Annually. EJAC should consider publishing an annual EJAC impact report summarizing:

- Topics/Issues considered by EJAC;
- Key recommendations provided by EJAC;
- DTSC responses/actions taken in response to recommendations; and
- Any barriers to implementation and plans to address them.

Sub-Deliverable 3.1.2 EJAC member recruitment.

“Promote and publicize the EJAC opportunity; Open a 30-calendar day solicitation for EJAC members applications starting in late August.”

Status Reported by DTSC: Complete

BES Evaluation: This sub-deliverable and process was critical in ensuring that the advisory council is representative of diverse communities and can provide meaningful input on matters of concern and priority to these communities. The application period opened August 2024 and was publicized until the 30-day application period closed. The posting was clear and easy to understand. The 30-day window for applications was a reasonable timeframe.

Overall, this sub-deliverable successfully communicated the EJAC opportunity.

BES Recommendation: Feedback Loop to Applicants. Applicants who are not selected should receive a summary of the selection process and, where feasible, be invited to stay engaged through the EJAC and other DTSC initiatives of interest to these applicants. This would expand the network of community voices connected to DTSC’s work.

Sub-Deliverable 3.1.3 EJAC member selection.

“Name council members by the end of 2024.”

Status Reported by DTSC: Complete

BES Evaluation: Naming council members by the end of 2024 was an important milestone to ensure that the EJAC could begin its work in a timely manner and was a key step in advancing community representation in decision-making. Members were chosen by an external selection panel and DTSC staff in order to prevent bias; therefore, there was limited public visibility into the selection process.

The chosen members bring a range of experience and community credibility, which will strengthen the committee’s capacity moving forward.

BES Recommendation: Document Equity and Inclusion Measures - DTSC should describe how equity considerations were embedded in the selection process, such as prioritizing applicants from overburdened communities and historically underrepresented groups. In the future, DTSC’s selection panel for EJAC should prioritize applicants that have a history of working with DTSC and possess an understanding of DTSC’s mandate and goals.

Director's Deliverable 3.2 Community Vulnerability Regulations.

"DTSC is committed to advancing processes and regulations that address community vulnerability in permit decisions, as required by SB 673. DTSC will continue to work with U.S. EPA on assessing cumulative impacts in the North Richmond pilot project, will leverage existing state tools like CalEnviroScreen for the assessments for Kettleman City and Buttonwillow, and will apply lessons learned to the SB 673 regulations."

Sub-Deliverable 3.2.1 Informational sheets.

"Publish informational sheet on Goal 1: Provide earlier opportunities for public input; Publish Informational sheet on Goal 2: Consider community vulnerability in permit decisions and conditions; Publish informational sheet on Goal 3: Develop science-based facility setback distance for community protection."

Status Reported by DTSC: Complete

BES Evaluation: DTSC is required by SB 673 to advance processes and regulations that address community vulnerability in permit decisions. To assist with the development and implementation of SB 673 regulations, DTSC divided the regulations into two tracks: Track 1 and Track 2. Track 1 included five of seven permit criteria and was implemented in 2019. DTSC is currently working towards implementing the final two permit criteria in Track 2, which addresses community vulnerability and setback distances. The proposed regulatory framework of Track 2 has been shared with the public through informational sheets: [Sheet #1 – Community Engagement](#), [Sheet #2 – Community Vulnerability](#), and [Sheet #3 – Setback Distance](#). The informational sheets were released on August 5, 2024, October 28, 2024, and June 4, 2025, respectively, and the content of the informational sheets have been presented at subsequent Board meetings.

Sub-Deliverable 3.2.2 Solicit feedback.

"Develop an online survey to receive public feedback; Present the content of the informational sheets at BES public meetings."

Status Reported by DTSC: Complete

BES Evaluation: To solicit public input for the proposed regulatory framework of SB 673, DTSC proposed developing an online survey in FY24-25 to gather feedback on Track 2. The survey was made available in August 2024 and remains open for public feedback; however, DTSC only received four (4) responses. DTSC also received public input from workshops and board meetings where information on the regulatory framework was presented.

BES Recommendation: For future proposed regulations, DTSC should explore opportunities to increase engagement with online surveys with interested parties and external stakeholders, given the low response rate to this online survey.

Sub-Deliverable 3.2.3 Initiate rulemaking.

"Submit the regulations to the Office of Administrative Law (OAL) by the end of FY 2024-25."

Status Reported by DTSC: Completed in November 2025 (originally targeted for June 2025)

BES Evaluation: DTSC aimed to submit the SB 673 regulations to the Office of Administrative Law (OAL) by the end of FY24-25; however, that objective was delayed. DTSC initiated the formal rulemaking process in November 2025. The regulation package was publicly noticed on November 21, 2025, and opened a 45-day comment period beginning on November 21, 2025, and ending on January 7, 2026. DTSC held a public hearing on January 7, 2026, to receive oral comments on the regulation package.

Subsequently, in response to public requests, DTSC extended the public comment period by 27 days. DTSC is required to submit the final rulemaking package to OAL by November 20, 2026. SB 673 is currently in the public comment period of the rulemaking process. The comment period is set to close on February 3, 2026, with a scheduled virtual public hearing for February 3, 2026.

BES Recommendation: Given the importance of this topic to the public, Board members, and DTSC, the Board remains interested in the rulemaking process and the drafting and implementation of the SB 673 regulations. The Board recommends that following the public comment period, DTSC and the Board's SB 673 Working Group meet to review public comments received and to receive additional input from the Working Group on the comments and proposed regulations.

Director's Deliverable 3.3 Cleanup in Vulnerable Communities Initiative.

"The Cleanup in Vulnerable Communities Initiative (CVCI) continues to provide the resources for DTSC to directly address inequitable impacts of contaminated sites in vulnerable communities. DTSC will continue to implement the elements of the Initiative – Discovery and Enforcement of unremediated contaminated sites around the State, the Equitable Community Revitalization Grant Round 1 and 2, funding Technical Advisory Group resources for communities, and workforce development. DTSC will actively capture lessons learned from CVCI implementation with an eye toward how CVCI best practices can be applied to the rest of our work. The goal is to build on CVCI to protect the most vulnerable Californians more effectively in the long term."

Sub-Deliverable 3.3.1 ECRG outcomes report.

"Develop a report to show how grants were implemented and benefited communities. This report will provide information on how grants were executed, as well as any outcomes for those projects that are completed or nearing completion."

Findings will be used to make recommendations for future programs."

Status Reported by DTSC: Completed in October 2025 (originally targeted for June 2025)

BES Evaluation: The Cleanup in Vulnerable Communities Initiative (CVCI or Initiative) provides the resources for DTSC to directly address inequitable impacts of contaminated sites in vulnerable communities throughout California. The Equitable Community Revitalization Grant (ECRG) was created through Senate Bill 158 and is administered by DTSC's Office of Brownfields to redevelop contaminated properties into affordable housing, parks, and neighborhood assets while advancing environmental justice and equitable development. The ECRG Strategic Outcomes and Insights Report documents the measurable progress of this investment program and was originally set to be released in the first quarter of calendar year 2025. The status of the ECRG Outcomes Report was in draft, undergoing internal review at the end of fiscal year 2024-25, but was released in October of 2025 ([ECRG Outcomes and Strategic Insights Report](#)).

The report highlights successful transformation of brownfields into community assets. Notably, over half of the ECRG projects were affordable housing projects, advancing a top priority for California. The collaborative, community-focused approach proved this new program has high potential. The report notes that the program distributed its last round of funding in 2024 and does not have a sustainable source for ongoing funding.

BES Recommendation: DTSC should explore sustainable sources of funding to continue this successful program. BES further recommends that DTSC sets an achievable schedule for the release of reports, such as the ECRG Strategic Outcomes and Insights Report.

Director's Deliverable 3.4 Exide cleanup.

"DTSC is in the final year of cleanup under the current appropriation and must meet its commitments for the remaining funds while preparing for a potential next phase of cleanup. DTSC is supporting US EPA's consideration of the site for possible Superfund listing. Additionally, cleanup of the parkways has begun."

Sub-Deliverable 3.4.1 Residential Cleanup.

"Complete cleanup of 5,940 residential properties above 200 parts per million by June 2025."

Status Reported by DTSC: Complete

BES Evaluation: DTSC successfully met and exceeded its residential cleanup with 5,965 residential properties cleaned as of July 3, 2025. As of January 9, 2026, a total

of 6,005 residential properties have been cleaned up. This represents a major milestone in the Exide cleanup effort. However, several challenges remain. Some residential properties remain inaccessible due to owner reluctance or unresolved participation barriers. Greater clarity is needed on the outreach strategies deployed and how DTSC will address these access gaps.

BES Recommendation:

- Formalize Oversight: Secure a clear timeline and budget commitment to continue Third-Party Monitor services, ensuring independent verification of cleanup results.
- Clarify Cleanup Standards: Provide transparent communication to communities on any changes to ppm thresholds, including public health rationale and implications for long-term safety.
- Strengthen Outreach: Document and publish outreach strategies for residential parcels that have not granted access and establish measurable goals for resolving outstanding access issues.
- Plan for Continuity: Develop and share a roadmap for cleanup activities beyond 2025, including potential Superfund coordination, so stakeholders understand long-term commitments.
- Improve Reporting: Future progress reports should:
 - Provide monthly (both numeric and narrative) updates consistently
 - Include both quantitative (parcels completed, ppm levels) and qualitative (community engagement, oversight status, funding certainty) metrics.

BES would like to see the data currently presented on the website archived each time a new update is posted. This would allow the public to access previous information – such as dates and cleanup amounts – from an archive rather than relying solely on the updated chart.

Sub-Deliverable 3.4.2 Complete facility decision documents.

“Finalize the Remedial Investigation by the end of July 2025; Complete a draft Feasibility Study/Remedial Action Plan by July 2025.”

Status Reported by DTSC: Partially Complete

BES Evaluation: DTSC’s work under sub-deliverable 3.4.2 reflects meaningful progress in advancing the remedial investigation for the Exide facility, but critical milestones remain unmet.

Ongoing sampling of soil, soil gas, and groundwater has helped refine the conceptual site model. A data gap investigation is underway, which will be key to completing the Remedial Investigation (RI).

DTSC did not meet the July 2025 deadline for completing the draft RI or Feasibility/Remedial Action Plan (FS/RAP). The RI is now projected for completion by late 2026. While awaiting U.S. EPA's decision on National Priorities List (NPL) status, DTSC remains responsible for maintaining and securing the facility, completing the RI, and preparing to transfer remedial responsibilities to U.S. EPA if the site is listed. If listed on the NPL, the U.S. EPA will issue the Record of Decision (ROD), which functions as the federal equivalent to the RAP. DTSC's role will be advisory and collaborative—reviewing U.S. EPA's proposed plan, ensuring alignment with state standards, and protecting public health.

BES Recommendation:

- **Contingency Planning:** Develop a clear contingency plan if the site is not listed on the NPL. This should include earmarking funds to complete the FS/RAP under state authority, ensuring cleanup momentum is not lost.
- **Milestone Accountability:** Establish revised, time-bound milestones for completing the RI and FS/RAP. Ensure reporting is consistent and transparent, with explanations for delays and updated target dates.
- **Strengthen U.S. EPA Coordination:** Proactively engage with U.S. EPA now to align on remedial strategy, data sharing, and roles, so that transition to federal authority—if it occurs—is seamless.
- **Community Engagement Plan:** Even though U.S. EPA will lead formal engagement, DTSC should commit to parallel community outreach (workshops, updates, translated materials) to maintain trust and ensure community voices are considered.
- **Public Health Framing:** Future reporting should more explicitly tie investigation progress and remedial planning to health protections, highlighting how each step reduces long-term exposure risks.

Sub-Deliverable 3.4.3 NPL Listing.

“Coordinate with US EPA on National Priorities List listing process. DTSC will report on coordination efforts throughout the year.”

Status Reported by DTSC: Partially Complete

BES Evaluation: DTSC has actively supported the U.S. EPA in the NPL listing process for the Exide site, including providing technical data, participating in planning discussions, and reviewing materials. Key milestones have been achieved:

- September 2024: Site proposed for NPL, public comment period opened.
- December 2024: Public comment period closed (extended from Nov. 4, 2024).
- June 3, 2025: U.S. EPA issued a Notice of Data Availability (NDA); public comment opened.
- July 3, 2025: NDA public comment period closed.

Although DTSC continues to coordinate with U.S. EPA, its reporting should be more consistent and better documented. For example, the DTSC NPL webpage has not been updated since September 2024, leaving community members reliant on U.S. EPA resources or working group discussions for the latest information.

Stakeholders have emphasized the importance of transparency and accountability during this federal decision-making process. There seems to be confusion among the public about DTSC's role versus U.S. EPA. DTSC should ensure the community remains informed on roles and responsibilities.

Completion of this sub-deliverable ultimately depends on the NPL listing decision, expected in the first half of 2026. In the interim, DTSC has the opportunity to strengthen communication and clarify its coordination role.

BES Recommendation:

- **Improve Transparency:** Post timely updates to the DTSC NPL webpage when major milestones occur (e.g., comment periods, NDA releases), even if U.S. EPA is the primary agency of record. This ensures the community does not rely solely on U.S. EPA's website.
- **Enhance Community Communication:** Commit to proactive communication (community briefings, working group updates, website notices) whenever new information is available, even if it originates with U.S. EPA.
- **Plan for Next Phase:** Begin developing a framework for DTSC's role post-listing (or in the event the site is not listed), including oversight responsibilities, state/federal coordination protocols, and community engagement mechanisms.
- **Consistency Across Deliverables:** Align reporting practices for this sub-deliverable with other Exide-related commitments (e.g., residential cleanup, remedial investigation) so the community receives integrated, not fragmented updates.

Sub-Deliverable 3.4.4 Parkways.

"Begin parkways cleanup by early 2025."

Status Reported by DTSC: Complete

BES Evaluation: DTSC met this sub-deliverable requirement to begin parkway cleanups ahead of schedule, with fieldwork starting in November 2024. This reflects meaningful progress in addressing high-risk exposure areas, as parkways are heavily used public spaces that may expose residents, especially children, to residual lead.

The cleanup is divided into the North Area Sub-Blocks (City of Los Angeles, County of Los Angeles, and City of Commerce) and the South Area Sub-Blocks (Cities of Bell, Huntington Park, and Maywood). A total of 728 North-Area Sub-Blocks and 423

South Area Sub-Blocks were identified for cleanup. DTSC reported at the January 9, 2026, Exide Working Group meeting that cleanup of the parkways is complete, with the North Area Sub-Blocks completed as of January 8, 2026, and the South Area Sub-Blocks completed as of December 2025.

Priority 4 - Drive Sustainability and Climate Resilience

Director's Overview of Priority 4:

"DTSC is turning its attention to innovative, forward-thinking solutions that foster a more sustainable and circular economy that will ultimately result in safer, healthier communities. For example, the Safer Consumer Products (SCP) Program's authority to look at the full lifecycle impacts of products presents a unique opportunity to reduce toxics in products, making them more suitable for recycling and supportive of the circular economy. The Hazardous Waste Management Plan is the roadmap for California to envision more sustainable ways to reduce, treat, and mitigate the impacts of hazardous waste. DTSC is promoting sustainable practices in a variety of ways. The purpose of this priority is to ensure that our staff and partners are consistently maximizing opportunities to make progress on this front."

Director's Deliverable 4.1 Site mitigation climate change resilience.

"As climate change accelerates, our Site Mitigation and Restoration Program (SMRP) must ensure that contaminated sites are managed such that remedies build resilience to climate impacts. SMRP will consider how climate adaptation and mitigation strategies can be integrated into cleanup solutions – by starting with orphan sites managed by DTSC. The Program will evaluate potential improvements to its Sea Level Rise Guidance based on its use throughout 2023, comments received on the guidance, and new science presented by the Ocean Protection Council and will revise the guidance. SMRP will also consider contaminated lands that are the result of other climate-driven changes such as wildfire."

Sub-Deliverable 4.1.1 Sea Level Rise Web Page.

"Enhance functionality of DTSC's publicly available mapping tool, which is embedded in the [Sea Level Rise \(SLR\) web page](#)."

Status Reported by DTSC: Complete

BES Evaluation: The Sea-Level Rise Viewer (SLR Viewer) is an informational tool that displays the spatial relationship between active cleanup sites, the coastline, and projected sea level rise impacts (e.g., inundation and groundwater level rise). The SLR viewer shows DTSC's active cleanup site locations and the delineation of areas where SLR-induced inundation and groundwater rise is anticipated to occur under the "Intermediate-High scenario" in the 2024 California Sea-Level Rise Guidance, representing 1.5-meter SLR and a 100-year storm event. DTSC has authority to

require remedial decisions for site cleanups to be protective under current and reasonably anticipated future site conditions, including current and future impacts of climate change. SLR Viewer is currently used by DTSC staff, State Water Resources Control Board and Regional Water Quality Control Board staff, and external stakeholders.

Sub-Deliverable 4.1.2 SLR Dashboard.

"Publish a dashboard tool for use by the regulatory agencies and the public. The dashboard tool will be a publicly facing dashboard that includes a compendium of sites from both Waterboard and DTSC. The dashboard will include a prioritization algorithm to rank sites based on several factors to be developed."

Status Reported by DTSC: Partially Complete

BES Evaluation: Progress on this sub-deliverable has been delayed. DTSC anticipates releasing the dashboard for public review and comment in July 2026, with a final dashboard released by the end of March 2027.

DTSC is currently working with the State Water Resources Control Board to develop metrics and content for the dashboard, including identifying the scope of site-specific content, summary statistics, and reporting features. DTSC anticipates that the dashboard will graphically display all active and inactive DTSC and State Water Resources Control Board cleanup sites, relative to potential future SLR impacts and other information, such as CalEnviroScreen mapping and legislative districts.

DTSC reports that progress was delayed due to resource limitations. Funding for the dashboard is supported by an interagency agreement with the Ocean Protection Council, which took effect on July 1, 2025, and runs through 2027.

BES Recommendation: The Board requests continued updates from DTSC on progress of the revised SLR Dashboard.

Sub-Deliverable 4.1.3 Evaluation form and training.

"Develop an evaluation form and training for project managers. The evaluation form will collect site specific information such as the maximum depth of contamination and planned property reuse scenario."

Status Reported by DTSC: Complete

BES Evaluation: DTSC completed an internal form to collect site-specific information on SLR for inclusion in EnviroStor. The form is intended to ensure that DTSC's Site Mitigation and Remediation Program (SMRP) collects accurate and SLR-relevant information consistently across sites. The form includes data fields such as status of SLR evaluation, depth to groundwater, and type of contaminants on site. The form is intended to enhance screening, tracking, and managing of sites within EnviroStor

that are “at-risk” of future SLR impacts. This form, and the enhancements to EnviroStor and related training, will improve accuracy of SLR Vulnerability Assessments (SLRVAs).

SMRP has identified approximately 350 active cleanup sites at risk of SLR impacts by the year 2100, based on 1.5-meter of SLR and a 100-year storm. DTSC has received SLRVAs for approximately 20 sites, with approximately 30 additional sites for which SLRVAs, or documents containing SLRVAs, have been or are in the process of being scheduled.

Sub-Deliverable 4.1.4 Establish the new Climate Change Unit.

“SMRP will build up the new Climate Change Unit, which will provide technical and programmatic assistance on the impacts of climate change on

explore available climate adaptation tools and assessment methodologies and will consider how they apply to permitted facilities across the state."

Sub-Deliverable 4.2.1 Continue coordination with U.S. EPA.

"DTSC's Permitting staff meet with U.S. EPA regularly and continue to discuss climate impacts as they relate to hazardous waste facilities; DTSC assisted U.S. EPA Region IX's study on stormwater and erosion control at 2 California hazardous waste landfills."

Status Reported by DTSC: Complete

BES Evaluation: DTSC's participation with U.S. EPA's study

BES Evaluation: From August through November 2024, DTSC held ten [workshops](#) on Plan topics, discussed potential recommendations, and gathered feedback to develop the Plan. After release of the Plan on March 14, 2025, DTSC presented the Plan at four [BES hearings](#).

DTSC met with several non-governmental, regulatory, academic, and industry groups to discuss the Plan. The Board's Hazardous Waste Management Plan (HWM Plan) subcommittee regularly met with DTSC's HWM Plan team and provided extensive comments and recommendations during the Plan's development phase.

DTSC stated that feedback through hearings and written comments was used to revise the draft Plan, reorganize its recommendations, and refine/remove certain recommendations. The Board approved

needs, wastewater that is used to generate recycled water must be free of the persistent, mobile, and toxic compounds that are problematic in creating water that is safe for widespread use and are often prohibitively expensive to remove. True source control leads to prevention rather than mitigation. DTSC has successfully listed carpets and rugs containing per- and polyfluoroalkyl substances (PFASs) and treatments containing PFASs for use on converted textiles and leathers

BES Evaluation: Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a group of manmade chemicals used in a wide range of industrial and consumer product applications, such as oil, grease, soil, water repellents, and as surfactants. PFAS have received increasing attention from researchers, policymakers, regulators, and the public due to their potential long-term adverse impacts on humans and the environment.

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Sub-deliverable 4.4.4 Release product-chemical profile for products with quaternary ammonium compounds.

“Finalize a technical document to support regulating one or more consumer products containing quaternary ammonium

provided in the budget, DTSC aims to implement the following priority deliverables by the end of CYQ1 2025."

Director's Deliverable 5.1 Exemption process.

(HWTs), and the CDTFA. These improvements should strengthen fee payer compliance and improve revenue forecasting through more accurate

- Complete and present to the Board the planned reconciliation analysis in 2026 that identifies systemic reporting discrepancies and proposes corrective actions.
- Provide strategic outreach to and technical assistance for generators, particularly smaller entities, to reduce reporting errors and improve data accuracy.
- In partnership with BES, conduct a G&H fee analysis to determine if and what additional actions are necessary to eliminate the structural deficit.

APPENDIX

Comments received:

February 5, 2026 Board Meeting Verbal Comments

Angela Johnson Meszaros, Earthjustice

Vanessa Vasquez, Communities for a Better Environment

Ivana Castellanos, Physicians for Social Responsibility, Los Angeles

Jeni Knack, Parents Against Santa Susana Field Lab

Caroline Farrell, Environmental Law and Justice Clinic at Golden Gate University

Written Comments

Communities for a Better Environment

Parents Against Santa Susana Field Lab

California Board of Environmental Safety

February 5, 2026 Verbatim Public Comments Received for Agenda Item #5 – BES Evaluation of DTSC for FY 2024-25

[Angela Johnson Meszaros, Earthjustice](#)

[Vanessa Vasquez, Communities for a Better Environment](#)

[Ivana Castellanos, Physicians for Social Responsibility, Los Angeles](#)

[Jeni Knack, Parents Against Santa Susana Field Lab](#)

[Caroline Farrell, Environmental Law and Justice Clinic at Golden Gate University](#)

Angela Johnson Meszaros, Earthjustice

Good afternoon. I'm Angela Johnson Meszaros from Earthjustice. If you think it's hard to summarize your 30 pages, think about summarizing 30 pages and doing in three minutes. So I guess I have a comment and a question. So my question - well, let me ask my comment. Let me do my comment. My comment is, I was struck by how much this evaluation wasn't very evaluative. It was - it's very neutral, which is - it is what it is. But it just left me wondering, what does it mean to say that you're evaluating the institution's progress if the Director sets the goals, and then she says, I've achieved these goals, and you say she achieved those goals. It just doesn't feel very meaningful. And so, there's probably lots of ways to think about what that may well mean. And of course, I'm struck by the conversation around SB673, because we all lived through what that was like. It was a deeply frustrating process. And if you were - if one were to just read this evaluation, there's no hint that what came before was troubled. And if we don't make those acknowledgements, it's hard to figure out how do you actually address them. Because if we end up sort of tidying up the edges of people's behavior choices, then there's not much incentive to figure out how to change those choices. The Hazardous Waste Management Plan, similarly, we know how frustrated the community was with that. And if we were to just read this, it was like, we got that done, yay! That's not actually - it's literally what happened, but it's not actually what happened. So I would have hoped to see something that was more reflective, since this Board sits as a proxy for the public, something that was more reflective of the experiences we all shared together. And then my question is, so you've offered up these recommendations, and you'll send them off to wherever they go, and whoever will look at them. But it's not clear to me how these recommendations then end up or not in the Director's evaluation, or I guess now it's the Department's evaluation going forward. So the I'm - does Director Butler have the ability to be like, yeah, thanks for your recommendations, I'll pick these three, the other ones I'm going to discard? And is there - what is that engagement look like? To the extent that what the Director says controls what she gets evaluated on, then how do we, on the front end, make sure that the evaluation criteria is meaningful and then results in real reflective engagement? Thank you.

Vanessa Vasquez, Communities for a Better Environment

Okay, good afternoon. My name is Vanessa, and I'm with Communities for a Better Environment. It is disappointing that the Department of Toxic Substances Control did not uphold environmental justice and equity as a priority when it came to the Hazardous Waste Management Plan. In addition to failing to address concerns regarding the categorization of waste, DTSC removed explicit environmental justice language that was initially present in the earlier draft of the Plan, and it failed to address the continued concerns of frontline communities that were strongly opposed to the Plan's adoption. Actions like these are harmful to those most impacted by hazardous waste. This Board should take these actions into account during its evaluation of DTSC, and Director Butler's 2024-2025 environmental justice and equity priorities. Thank you.

Ivana Castellanos, Physicians for Social Responsibility, Los Angeles

Hi, it's Ivana Castellanos with Physicians for Social Responsibility Los Angeles. I haven't had a chance to review the evaluation completely, but I have sort of scanned it, and I will agree also with Angela Johnson Meszaros. I was struck by how disconnected the evaluation felt from my experience being engaged with the Board and with DTSC. It didn't feel very substantive to kind of what this process has been like. And so, I - I do encourage the Board to - to consider how frustrating some of the processes have been and to consider the - the engagement and the response of the advocates and the community members that have been engaging with DTSC and with the Board on these topics. I think if the evaluation is supposed to be a tool to highlight where improvements can be made, I don't think that this was very successful at that, and I don't think that it really captures the performance of DTSC this year, but I will be reviewing this. And providing probably some more detailed comments later on, so thank you for sharing.

Jeni Knack, Parents Against Santa Susana Field Lab

Hi, I guess I have a request. I think my formal request would be that this Board acknowledge - because we often talk about what BES's purview does not include. The limitations of the ability of this Board to bring DTSC into true reform. I know they like to refer to themselves as in the post-reform stage, but those of us on the ground dealing with DTSC, you know, on a regular basis, absolutely understand that that is not where we are. And I feel like this area this evaluation is very much where the Board has some control. They have an ability to exercise at the very, very least, an honest reflection of the challenges that DTSC is facing. I mean, even just objectively, not even from a - a frontline community's perspective. But you have the privilege of being able to sit back and watch the dynamics of what DTSC says that they are doing. And then the en masse clap back from communities around the State. Of course, saying, that is not an honest reflection of what we are experiencing and dealing with and up against. And I wish that next year, when this process comes up, it is set up differently, where the Director does not get to create the structure. I believe the Board creates the structure. Not that - not that the Director would not be able to engage and contribute. But there's no point in having an evaluation if the structure of the evaluation is set up by the entity being evaluated. And I also unders - I heard Ingrid, when you said, you know, our comments will be attached. I wish that our comments and

lived experience could inform earlier in the valuation what you look at because I feel like our - our lived experience is always coming last. It's always attached almost in an afterthought. It is never the substance of anything. And we're always kind of an afterthought metric to check the box, and I think that we have a lot to add and contribute to the evaluation process, because we are experiencing how DTSC functions. Thank you so much.

Caroline Farrell, Environmental Law and Justice Clinic at Golden Gate University

Caroline Farrell with the Environmental Law and Justice Clinic at Golden Gate, and I similarly haven't had time to really review the details of the performance evaluation, but what I would say is a couple of things. As a performance evaluation, I think it's - it's really important that it's not just about what was accomplished, there seems to be a lot of, like, quantified and - and listing off the accomplishments. But also how it - the performance was, like, you know, how did that out - how successful was that outcome in terms of the - the method by which it was achieved. I also think, similar to the Hazardous Waste Management Plan, it's really hard to have a meaningful evaluation when you've got 39 different things that you're evaluating. It's hard to really dig into the meat of all of that. That's a lot for the Board to take on, it's a lot for even the Director of the Department being evaluated to kind of manage. So I - I think it's really important to identify a manageable amount of things that really are performance-based. And I think what's really important, why that's really important, is what I've noticed through working on comments for the Hazardous Waste Management Plan and the latest rulemaking related to SB673 is that DTSC really does, in its rules and regulations, leave a lot of discretion for itself. It tries to maximize its discretion. So, how it is managing and implementing and using that discretion, whether or not it actually is meeting the guidelines of being protective of the environment and public health is really important. So I think the how and the what need to be combined a bit more, and also thinking through effectiveness in terms of the impacted communities that are at the kind of end of the rulemaking and how protected they are is really, I think, the - one of the key metrics you know, how effective are you in reducing the harms? So I would just recommend fewer things, more meaningful things that are more outcome-orientated towards the actual goal of reducing harm in communities would be really important to measure. And - and ensuring that DTSC's - when it is using its discretion, is doing so appropriately, and opportunities to tighten up and have more clear rulemaking so that it's clear to everybody from impacted communities to industry to the regulators, what the consequences are for not meeting the regulatory obligation could make things a lot simpler overall. So, thank you.

March 9, 2026

Board of Environmental Safety
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Via Email

Re: Comments of Communities for a Better Environment on the Board of Environmental Safety's Evaluation of the Department of Toxic Substances Control for Fiscal Year 2024-2025.

Dear Board of Environmental Safety,

Communities for a Better Environment ("CBE") submits these comments to aid the Board of Environmental Safety ("BES," "the Board") in its evaluation of the Department of Toxic Substances Control ("DTSC," "the agency") for Fiscal Year ("FY") 2024-2025.

CBE is a statewide environmental justice organization¹ that organizes in some of California's most overburdened communities, including Southeast Los Angeles ("SELA"), Wilmington, East Oakland, and Richmond.² CBE builds people's power in communities of color and low-income communities to achieve environmental health and justice by preventing and reducing pollution and building green, healthy, and sustainable communities and environments. SELA is comprised of multiple cities, including Huntington Park, Bell, Maywood, Bell Gardens, Cudahy, South Gate, Lynwood, and unincorporated Walnut Park and Florence-Firestone.³ Residents are heavily impacted by proximity to industrial land uses and legacy contamination,

¹ Cmtys. for a Better Env't, *About Us: Mission & Vision*, <https://www.cbecal.org/about-us/> (last visited March 6, 2026).

² U.S. Env't Prot. Agency, *What is the Definition of "Overburdened Community" That is Relevant for EPA Actions and Promising Practices?*, (defining overburdened communities as "minority, low-income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks due to exposures or cumulative impacts or greater vulnerability to environmental hazards," that "may be attributable to an accumulation of negative and lack of positive environmental, health, economic, or social conditions within these populations or communities."), <https://www.epa.gov/caa-permitting/what-definition-overburdened-community-relevant-epa-actions-and-promising-practices> (last visited March 6, 2026); *see also* Off. of Env't Health Hazard Assessment, *SB 535 Disadvantaged Communities*, (May 2022) (designating "the 25% highest scoring census tracts in CalEnviroScreen 4.0 [...] census tracts with high amounts of pollution and low populations, and federally recognized tribal areas" as "disadvantaged communities"), <https://oehha.ca.gov/calenviroscreen/sb535>.

³ Cmtys. for a Better Env't, *Southeast LA: Fighting for Environmental Justice in Southeast Los Angeles*, <https://www.cbecal.org/community-organizing/southeast-la/> (last visited March 6, 2026).

which includes lead soil contamination,⁴ volatile organic compound (“VOC”) air pollution,⁵ and per- and polyfluoroalkyl substances (“PFAS”) in drinking water.⁶ Additionally, residents experience cumulative impacts from poor air quality,⁷ lack of green space, and urban heat island effect.⁸

BES was created to improve DTSC’s transparency and accountability, while its Board was intended to represent the general public interest, protect public health, and reduce risks of toxic exposure in disproportionately burdened and vulnerable communities.⁹ To reflect these responsibilities and to paint a more accurate picture of DTSC’s annual work, CBE asks that the Board (1) review the evaluation structure and identify how priorities set by fenceline communities can be incorporated early into the Board’s analysis; (2) expand the evaluation of Priority 3; and (3) acknowledge DTSC’s failings in regard to Priority 4’s Hazardous Waste Management Plan (“HWMP”).

I. The Board of Environmental Safety’s Evaluation Structure.

The evaluation authority granted to BES under California’s Health and Safety Code is much more expansive than what is included in the Board’s FY 2024-2025 analysis. Moving forward, BES should incorporate community priorities and criteria to reflect this broad review power.

A. The Plain Language and Legislative History of California Health and Safety Code, Section 25125, et. seq., Provides for an Expansive Evaluation of Department of Toxic Substances Control Activities.

The BES website currently describes its authority to evaluate DTSC under Health and Safety Code, Section 25125.7, as a “report of the department’s performance as compared to its objectives, *including, but not limited to*, the performance of the director,” however, it’s Fiscal Year 2024-2025 Evaluation *solely* reviews the agency’s performance as compared to the

⁴ Dep’t of Toxic Substances Control, *Exide Residential Cleanup*, <https://dtsc.ca.gov/residential-cleanup/> (last visited March 6, 2026).

⁵ See Joshua B. Fisher, Ambar Rivera, Ava Cison, Ashley Agatep, Kainani Tacazon, Sophia Spiegelman, Alison McKenry, Rio E. Fisher, Reginald Archer, & Jason Douglas, *Satellites, Urban Heat, and Environmental Justice: Community as the Bridge Between Analysis and Action*, Environmental Justice, (Feb. 2026), <https://journals.sagepub.com/doi/10.1177/19394071251413391> [<https://doi.org/10.1177/19394071251413391>].

⁶ Julie Von Behren, Peggy Reynolds, Paul M. Bradley, James L. Gray, Dana W. Kolpin, Kristin M. Romanok, Kelly L. Smalling, Catherine Carpenter, Wendy Avila, Andria Ventura, Paul B. English, Rena R. Jones, & Gina M. Solomon, *Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water in Southeast Los Angeles: Industrial Legacy and Environmental Justice*, 953 Sci. Total Environ. 176067 (Nov. 2024), <https://www.sciencedirect.com/science/article/pii/S0048969724062235?via%3Dihub> [<https://doi.org/10.1016/j.scitotenv.2024.176067>].

⁷ California Air Res. Bd., *Southeast Los Angeles*, (“Sources impacting the community include major freeways such as interstates 710 and 105, the Alameda Corridor, industrial facilities that routinely process chemicals, warehouses, manufacturers, auto body shops, and three Superfund sites.”), <https://ww2.arb.ca.gov/capp/com/cip/southeast-los-angeles> (last visited March 7, 2026).

⁸ Fisher, *supra* note 5.

⁹ Bd. of Env’t Safety, *Welcome to the Board of Environmental Safety*, <https://bes.dtsc.ca.gov/> (last visited March 6, 2026).

director’s annual priorities.¹⁰ Although important, the director’s priorities that are set in accordance with Section 25125.2(b)(4)¹¹ should not be the only objectives considered in BES’s evaluation under Section 25125.7.¹² Instead, the director’s priorities are meant to serve as one component of a variety of materials that the Board considers in its evaluation.¹³

This reading of the statute is supported by similar language in Section 25125.9, in which an update on DTSC’s “performance as compared to its objectives” be provided to the Assembly and Senate “*including, but not limited to*, metrics established pursuant to paragraph (4) of subdivision (b) of Section 25125.2, the department’s progress in implementing any reform measures, and any other information the committees request.”¹⁴ Likewise, it is only with a more expansive review of DTSC’s activities that the Board can accurately evaluate how well the agency is doing its job.¹⁵

Furthermore, in the Senate Floor Analysis of Senate Bill (“SB”) 158 in June of 2021, the Senate described what would become Section 25125.7 as, “requiring the Director of DTSC to appear before the Board as requested and requiring the Board to prepare an annual performance review of DTSC and the Director.”¹⁶ and expansion of criteria that the BES considers is permissible.

B. Moving Forward, the Board of Environmental Safety Should Also Incorporate Priorities and Criteria Set by Communities into its Review.

CBE requests that the Board immediately begin working closely with community groups—particularly overburdened, fenceline communities—in crafting a more comprehensive structure for how it will engage in future evaluations of DTSC to ensure accountability and transparency. One action that can help facilitate this is using the Environmental Justice Advisory Council (“EJAC”)¹⁷ to hold listening sessions with the public to touch different sectors,

¹⁰ Bd. of Env’t Safety, *BES Evaluation of DTSC for Fiscal Year 2024-2025*, <https://bes.dtsc.ca.gov/evaluation-fy2024-25/> (last visited March 6, 2026) (emphasis added); Cal Health & Saf Code § 25125.7 (“The board shall annually prepare and transmit to the Secretary for Environmental Protection an annual review of the department’s performance as compared to its objectives, including, but not limited to, the performance of the director.”).

¹¹ See Cal Health & Saf Code § 25125.2(b)(4) (“Review and consider for approval the director’s annual priorities for each program under the department and, after consulting with the director, adopt clear performance metrics for the department and each of the department’s programs. The board’s responsibilities under this paragraph shall be conducted at a public hearing. The director shall provide annual updates on progress toward meeting the priorities and performance metrics.”).

¹² See Cal Health & Saf Code § 25125.7.

¹³ See also Cal Health & Saf Code § 25125.9.

¹⁴ *Id.* (emphasis added).

¹⁵ Compare *id.* with Cal Health & Saf Code § 25125.7.

¹⁶ Off. of Senate Floor Analyses, *Senate Rules Committee Unfinished Business: SB 158*, 1, 2 (June 2021) (citation modified), https://www.leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=20210220SB158#.

¹⁷ See *id.* at 5 (“Environmental Justice Council. Authorizes funds be used to assist in the development of a forum that represents communities across the state impacted by DTSC’s programs, to provide environmental justice advice, consultation, and recommendations to the director of DTSC and the Board.”); Dep’t of Toxic Substances Control, *Environmental Justice Advisory Council*, (“The EJAC will provide independent environmental justice advice, consultation, and recommendations to DTSC and BES to help safeguard communities impacted by exposure to toxic substances”), <https://dtsc.ca.gov/environmental-justice-advisory-council/> (last visited March 7, 2026).

communities, and areas. Currently, there are many places where voices are being overlooked. EJAC can potentially fill this role by communicating with residents and developing additional criteria for BES to consider in its evaluation. This can be one of a variety of steps taken to paint a more accurate picture of DTSC’s work and ensure greater degrees of accountability.

Regarding Director Katie Butler’s Annual Priorities for FY 2025-2026, it is concerning that “Promot[ing] Equity” is not re-listed as a priority,¹⁸ given DTSC’s troubling history responding to environmental concerns in disadvantaged communities. This is more reason for the Board to undertake a more expansive review of DTSC’s work, or lack thereof.

II. Expanding the Evaluation of Priority 3 to Promote Equity in a Transformative Manner.

During FY 2024-2025, DTSC did take notable steps toward increasing equitable outcomes pertaining to the Exide cleanup under Priority 3, Deliverable 3.4, however, more work is still needed.¹⁹ Additionally, other sites in SELA undergoing cleanup processes, did not see the same degree of care to ensure that the outcomes were equitable. These experiences enabled CBE to identify obstacles in achieving just outcomes.

A. Exide Cleanup Progress.

Although further work is needed, CBE appreciates DTSC’s continued efforts directed toward cleaning up contamination caused by the former Exide facility. Progress on residential and parkway cleanup, oversight from the third-party monitor, and continued communication with the working group are steps in the right direction. Additional funding for the cleanup will help with remediation efforts and retrospective sampling will help evaluate current remediation methods for soil contamination. CBE anticipates continued cleanup progress during the 2025-2026 FY.

Additionally, the following recommendations are of great importance to residents: increased efforts to clean properties, like multi-family homes, that face owner participation barriers;²⁰ contingency planning if the site is not listed on the National Priorities List (“NPL”);²¹ and a framework of DTSC’s role if the site is listed on the NPL.²²

¹⁸ Compare Dep’t of Toxic Substances Control, *Director’s Annual Priorities Fiscal Year 2025-2026*, 1, 1-6 (Aug. 2025) (listing the following priorities: Consistent, Timely, and Equitable Enforcement; Community Engagement; Science, Technology, and Policy Innovation; and Per- and Polyfluoroalkyl Substances), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2025/08/FY2526_DirectorsPriorities_AUG2025Revision.pdf with Dep’t of Toxic Substances Control, *Fiscal Year 2024-2025 Priorities: December 2024 Refresh*, 1, 1-8 (Dec. 2024) (listing the following priorities: Strengthen Enforcement; Institutionalize Community Engagement; Promote Equity; and Drive Sustainability and Climate Resilience), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2025/02/FY2024-25_Priorities_Refresh_TypoFixes_ada.pdf.

¹⁹ Bd. of Env’t Safety, *Department of Toxic Substances Control: Fiscal Year 2024-2025 Evaluation*, 1, 19-23 (Jan. 2026), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2026/02/DTSC-2024-2025-Evaluation-BES_ada.pdf.

²⁰ See *id.* at 20 (“owner reluctance”).

²¹ See *id.* at 21 (Jan. 2026) (“ensuring cleanup momentum is not lost.”), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2026/02/DTSC-2024-2025-Evaluation-BES_ada.pdf.

²² See *id.* at 22 (“including oversight responsibilities, state/federal coordination protocols, and community engagement mechanisms.”).

B. Other Cleanups and Obstacles Preventing Just Outcomes.

CBE has identified the following three obstacles that make it more difficult for DTSC and communities to arrive at the most equitable cleanup outcomes possible: (1) use of agreements under the California Land Reuse and Revitalization Act (CLRRRA) that complicate prospects for residential testing and remediation; (2) long timelines for Technical Assistant Grant (“TAG”) approval; and (3) lack of implementing alternative cleanup approaches beyond dig-and-haul.

1. California Land Reuse and Revitalization Act Agreements.

CLRRRA processes encourage streamlined environmental approaches to contaminated properties for site reuse or redevelopment.²³ Such approaches on contaminated land do not benefit fenceline communities and complicate prospects for residential remediation. CLRRRA agreements have the potential to create circumstances in which adjacent industrial properties are stuck pointing fingers at each other, making it more difficult for fenceline communities to engage and acquire timely residential remediation. As a result, concerns of residents may be left behind and their options become more limited. This is inequitable because fenceline communities are often already overburdened. BES should evaluate concerns arising from CLRRRA agreements.

2. Technical Assistance Grant Approval Timelines.

DTSC's TAG Program is supposed to facilitate greater community engagement in the cleanup process of contaminated sites by providing funding for independent Technical Advisors that can effectively communicate technical information to the community.²⁴ This type of grant is crucial in ensuring equitable outcomes, however, the current timeline that DTSC takes to review and approve TAG cleanup grants is considerably long. A lot of time goes by before applicants find out whether they have funding approval. In some instances, the approval comes after cleanup under a CLRRRA agreement is already completed. This delay makes it more difficult for those applying for TAG to monitor contamination levels before, during, and after cleanup. This disrupts the community’s ability to stay informed and engage in cleanup matters. BES should evaluate concerns arising from lengthy TAG approval.

3. Lack of Implementing Alternative Cleanup Approaches Beyond Dig-and-Haul.

Prioritizing equity should involve DTSC using cleanup approaches beyond dig-and-haul (“dig-and-dump”). Methods like bioremediation have the potential to generate more equitable outcomes. Bioremediation does not require the same degree of soil disturbance as dig-and-dump,

²³ Dep’t of Toxic Substances Control, *California Land Reuse and Revitalization Act (CLRRRA) Quick Reference Guide*, <https://dtsc.ca.gov/brownfields/california-land-reuse-and-revitalization-act-clrra-quick-reference-guide/> (last visited March 7, 2026).

²⁴ See Dep’t of Toxic Substances Control, *Technical Assistance Grant (TAG)*, <https://dtsc.ca.gov/tag/> (last visited March 7, 2026).

and it does not result in contaminated soil being dumped elsewhere.²⁵ BES should evaluate opportunities where such methods could have taken place and recommendations for future use.

III. Incomplete Evaluation of Priority 4, Deliverable 4.3.

DTSC's Hazardous Waste Management Plan was a disappointment to overburdened, fenceline communities across California. The plan failed for many reasons, including its inability to center environmental justice communities,²⁶ failure to prioritize source reduction, and dangerous proposal of pathways that lead to deregulation.²⁷ The HWMP was supposed to foster "a more sustainable and circular economy,"²⁸ but instead, it failed to provide preventative public health protections.

BES's current evaluation neither acknowledges how DTSC notably removed explicit mention of environmental justice in the HWMP,²⁹ nor acknowledges how exemptions and exclusions will weaken California's standards by narrowing which waste is defined as

²⁵ See Doug Bierend, 'Solar-Powered Vacuum Cleaners': The Native Plants that Could Clean Toxic Soil, The Guardian (Apr. 2024), https://www.theguardian.com/us-news/2024/apr/14/native-plants-fungi-soil-bioremediation?CMP=share_btn_url; see Ctr. for Creative Land Recycling, *Functional Fungi: How Mycelium Can Help Remove Soil Contamination*, (Apr. 2024), <https://www.cclr.org/project-highlights/functional-fungi>.

²⁶ Contrast Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan: Recommendations for a Modern Program*, 1, 1-36 (Oct. 2025) (removing all mention of "environmental justice," "equity"/"equitable," and "disadvantaged," and only using the word "Vulnerable" in reference to the Cleanup in Vulnerable Communities Initiative), https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/10/2025-Hazardous-Waste-Management-Plan_accessible.pdf with Dep't of Toxic Substances Control, *2025 Draft Hazardous Waste Management Plan: A Modern Approach to a Circular Economy*, 1, 1-52 (March 2025) (dedicating Goal 1 toward, "promoting environmental justice initiatives," and mentioning "environmental justice," "equity"/"equitable," "vulnerable," and "disadvantaged" multiple times), https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/04/Draft-2025-Haz-Waste-Mgmt-Plan-with-Appendices_ADA.pdf; see also Bd. of Env't Safety, *Board Meeting*, at 1:26:39-1:28:12, 3:43:11-3:45:02, 4:09:28-4:11:10 (Nov. 2025) (acknowledging important pieces missing that impact environmental justice communities) <https://youtu.be/t9HmotZFUUC?si=oSugO-td995cVYml>.

²⁷ See Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan: Recommendations for a Modern Program*, 1, 19 (Oct. 2025) (using Recommendation 1.2 to review federal recycling exemptions and exclusions), https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/10/2025-Hazardous-Waste-Management-Plan_accessible.pdf; see also Bd. of Env't Safety & Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan Virtual Webinar* *Virtual*, at 12:34-14:23 (Oct. 2025) (indicating on webinar that DTSC wants to determine whether any federal exemptions or exclusions might be applicable in California), <https://youtu.be/jdQ1Z6lQ19w?si=gi0aFSYZrhMWb4WE>; see also Bd. of Env't Safety, *Board Meeting*, at 1:13:09-1:15:43, 3:51:20-4:08:51, 4:12:06-4:33:04 (Nov. 2025) (adding language that did not adequately alleviate community concerns) <https://youtu.be/t9HmotZFUUC?si=oSugO-td995cVYml>.

²⁸ Bd. of Env't Safety, *Department of Toxic Substances Control: Fiscal Year 2024-2025 Evaluation*, 1, 23, 26 (Jan. 2026), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2026/02/DTSC-2024-2025-Evaluation-BES_ada.pdf.

²⁹ Contrast Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan: Recommendations for a Modern Program*, 1, 1-36 (Oct. 2025) (removing all mention of "environmental justice"), https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/10/2025-Hazardous-Waste-Management-Plan_accessible.pdf with Dep't of Toxic Substances Control, *2025 Draft Hazardous Waste Management Plan: A Modern Approach to a Circular Economy*, 1, 1-52 (March 2025) (dedicating Goal 1 toward, "promoting environmental justice initiatives," and mentioning "environmental justice" multiple times), https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/04/Draft-2025-Haz-Waste-Mgmt-Plan-with-Appendices_ADA.pdf; see also Bd. of Env't Safety, *Board Meeting*, at 1:26:39-1:28:12, 3:43:11-3:45:02, 4:09:28-4:11:10 (Nov. 2025) (acknowledging important pieces missing that impact environmental justice communities) <https://youtu.be/t9HmotZFUUC?si=oSugO-td995cVYml>.

hazardous.³⁰ Most importantly, it does not reflect upon how DTSC deliberately failed to listen to the concerns of community members, despite multiple attempts at public engagement. DTSC and BES received an outpouring of public comments from concerned residents.³¹ BES's evaluation does not acknowledge that valid concerns were inadequately addressed.

IV. Conclusion.

In conclusion, CBE asks that the Board (1) review the evaluation structure and identify how priorities set by frontline communities can be incorporated early into the Board's analysis; (2) expand the evaluation of Priority 3; and (3) acknowledge DTSC's failings in regard to Priority 4's Hazardous Waste Management Plan. Taking these necessary steps in evaluating DTSC will result in a more accurate picture of the agency's annual work. Thank you for your consideration of these comments.

Sincerely,
Vanessa Vasquez
Legal Fellow
Communities for a Better Environment
vvasquez@cbeal.org

³⁰ See Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan: Recommendations for a Modern Program*, 1, 19 (Oct. 2025) (using Recommendation 1.2 to review federal recycling exemptions and exclusions), https://dtsc.ca.gov/wp-content/uploads/sites/31/2025/10/2025-Hazardous-Waste-Management-Plan_accessible.pdf; see also Bd. of Env't Safety & Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan Virtual Webinar* *Virtual*, at 12:34-14:23 (Oct. 2025) (indicating on webinar that DTSC wants to determine whether any federal exemptions or exclusions might be applicable in California), <https://youtu.be/jdQ1Z6lQ19w?si=gi0aFSYZrhMWb4WE>; see also Bd. of Env't Safety, *Board Meeting*, at 1:13:09-1:15:43, 3:51:20-4:08:51, 4:12:06-4:33:04 (Nov. 2025) (adding language that did not alleviate community concerns) <https://youtu.be/t9HmotZFUUc?si=oSugO-td995cVYml>.

³¹ See Bd. of Env't Safety, *Board Meeting*, at 1:39:40-3:25:05 (Nov. 2025), <https://youtu.be/t9HmotZFUUc?si=oSugO-td995cVYml>; see Bd. of Env't Safety & Dep't of Toxic Substances Control, *2025 Hazardous Waste Management Plan Virtual Webinar* *Virtual*, at 32:15-1:02:20 (Oct. 2025), <https://youtu.be/jdQ1Z6lQ19w?si=gi0aFSYZrhMWb4WE>; see Bd. of Env't Safety, *Hazardous Waste Management Plan Hearing #4*, at 1:40:13-2:50:05 (July 2025), <https://youtu.be/875kL7azO8M?si=CvZZ9Iwn9xV0h3qH>.

From: [jeni knack](#)
To: [BESinfo](#)
Subject: Comments on DTSC Priorities and Evaluation for FY 2024-2025
Date: Monday, March 9, 2026 1:45:53 PM

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Via email (BESinfo@bes.dtsc.ca.gov)

Chair Rakestraw
Board Member Brostrom
Board Member Strauss Hacker
Board Member Sharma
Board of Environmental Safety
Department of Toxic Substances Control

RE: Comments on Board of Environmental Safety's Department of Toxic Substances Control Evaluation for Fiscal Year 2024-2025

March 6, 2026

Dear Chair Rakestraw and Members of the Board:

Parents Against Santa Susana Field Lab (PASSFL) are writing to provide feedback on the Department of Toxic Substances Control (DTSC's) Priorities and Report, and the Board of Environmental Safety's (BES) Evaluation of those documents for fiscal year 2024-2025. It is our intention that this critique will accompany the BES's Evaluation submission to the Secretary of Environmental Protection.

Broadly stated; the DTSC's selected Priorities and BES's evaluation of their fulfillment status provide little insight into the consequences or results of the work DTSC is focused on presenting to the board. The metrics marked "completed" or "in progress" explain nothing of how these things are being done, what input has been given, and what of that input has been accepted or ignored. The Director's Report and the evaluation of it lacks insight on the work that wasn't "prioritized", but that was nonetheless conducted, often with great critique and dissatisfaction from frontline communities. It certainly erases from view the efforts of those who are subject to living with the decisions made by the regulatory agency, and belies the struggle for justice and equity that these communities attempt to remedy through their tireless advocacy for DTSC reform. No discussion of what progress is being made by accomplishing the Priorities is offered. Most importantly, the report has omitted what DTSC's work is failing to accomplish, and what if any progress is being made towards the underlying but everpresent issues that made these particular priorities, and this practice of the Board's evaluation relevant in the first place.

What is clearly missing is discussion of the failures. Most if not all failures that are made knowingly (and therefore presumably intentionally) by DTSC, are erased from view throughout this evaluation process. DTSC blatantly lacks the ability to be self-reflexive; to reflect on not only the accomplishments made, but also to sincerely take the opportunity to examine challenges, biases and weaknesses within the agency so that true growth can be prioritized and accomplished in the following year. Legitimate evaluation must include discussion of challenges and areas where assistance is needed to make substantial improvement. Neither DTSC nor BES is unaware of

the weaknesses in the agency, but the opportunity to evaluate the many persistent issues within the work DTSC conducts was not seized and that is frankly, a failure on the parts of both DTSC and BES.

The BES Evaluation comments only on what the Director has chosen to put forth before the Board, and before the Secretary for Environmental Protection. This perspective of the work that DTSC has done over the last year is truncated by what the director has chosen to reveal; hopefully this letter will succeed in bringing some of these pertinent issues within DTSC's work to light, and even more hopefully, eventually, through some other mechanism that must be developed in efforts to make them more plainly seen; to redress.

Waste Classification:

We were astonished to see that the only discussion of DTSC involvement in the 2025 LA Fires was to mention that it was unanticipated by the agency. No evaluation or discussion of the challenges, issues and potential future corrections to DTSC emergency responses were aired. This was a lost opportunity to communicate emergency response needs, because as communities tracking DTSC's work and those living near the waste repository sites the 2025 LA Fire debris was delivered to can relay; the mistakes made were substantial. Without planned, decisive corrective measures, the state will remain poorly able to respond adequately to urban wildfire events in the future.

A significant and predominant failure of the 2025 LA Fires response was the failure of DTSC to advocate for and ensure the proper implementation of debris classification prior to its presumed categorization and disposal as non-hazardous. Because this was not done, vast amounts of urban wildfire debris was disposed of in municipal waste facilities. Protective measures that exist to protect workers and surrounding communities from exposure to hazardous wastes were not taken, based on the desire to show a speedy response to the environmental crisis. However concerning and hasty this emergency response was; it was also a foreshadowing of the path DTSC would take in its efforts to reduce hazardous waste disposal, if not production.

The failure to sufficiently prevent the improper disposal of hazardous wastes is exemplified by the ongoing fires at the Chiquita Canyon landfill. Enforcement after a combustion reaction is underway doesn't solve the problem nor does it mitigate the public health impacts it causes. DTSC is seemingly helpless at this point to handle the Chiquita landfill in a manner that will make a difference for the communities impacted - but the agency is still alarmingly reluctant to prioritize and take action to strengthen waste classification methodologies to prevent similar events from occurring in the future. The limitations of DTSC to mitigate the public health impacts of the Chiquita landfill crisis should have been highlighted instead of minimized.

Hazardous Waste Management Plan:

In 2025, frontline communities and NGOs fiercely advocated against the DTSC's deeply flawed Hazardous Waste Management Plan (HWMP). However, this was not reflected in any manner under the evaluation of DTSC's reported "completed metric."

This example illustrates how this evaluation process fails to serve the purpose of truly evaluating the agency's work and stated priorities in a way that contextualizes the process and mechanisms by which they are fulfilled. DTSC did create and pass a Hazardous Waste Management Plan. But according to the overwhelming community input that poured from every corner of the state, it was not worthy of passing. The plan that was submitted by DTSC and passed by BES, was so lacking in specificity and trackable, meaningful goals, that it was astonishing that it was even cleared for submission, let alone adopted. The plan appeared more as a draft outline for a plan;

not a suitable submission for a final. To those who analysed the proposed HWMP, it was a plainly deregulatory effort that sheepishly echoed federal regulatory roll-backs and abandoned the strong regulatory leadership that California has maintained nationally in this area. The plan created no mechanisms by which source reduction would be achieved, yet shallowly postulated that hazardous waste reduction would (somehow) happen; the how and when were left undefined for future generations of the plan to deal with, or not.

Under scrutiny, it becomes clear that the HWMP is not prioritizing meaningful hazardous waste reduction. Instead, it creates a pathway for the weakening of waste classification practices and regulation, which fail as long-term solutions.

Failure to appropriately classify hazardous waste doesn't succeed in protecting public health; it further endangers it by ignoring it and allowing for its eventual disposal in municipal waste facilities. The annual report submitted by DTSC and the BES's evaluation failed to mention that public input on the HWMP cited the plan as an utter failure and threat to the agency's successful regulation of hazardous waste and to their mandate to protect public health.

Enforcement:

"Priority 1; Strengthening Enforcement" should be evaluated through revealing measures of increased compliance. The Inspection Site Map isn't particularly useful if it doesn't easily allow users to access inspection reports and compliance data. Frontline communities want to see whether there is source reduction from generators, whether facility infractions have been remedied. Maps should contain useful information sought by the public, otherwise their existence is performative rather than effective in providing "equity centered" information as the priority claims to accomplish.

Supplemental Environmental Projects:

"Sub-Deliverable 1.1.2 Expand opportunities for Supplemental Environmental Projects" would feel less like "pay to play" (and pollute) and more like a genuine accomplishment if the SEPS discussion were to also include facility compliance data. It would be valuable to include this data in the Inspection Site Maps. If facility infractions are funding SEPS and yet are failing to accomplish source reduction or increased compliance, that pertinent data should be public. For the annual evaluation concerning SEPS to leave out any connection to DTSC's ability to obtain compliance from the permittee is to fail to look at the problem that makes SEPS a partial remedy in the first place. DTSC's claims to promote healthier communities through SEPS would be verified by transparent compliance and source reduction data. If that data doesn't mirror those claims, inclusion of it would at least fairly contextualize the impacts of the program.

The presence of the Rose Foundation as the conveyer of SEPS' fines to awards pipeline is notable. The Rose Foundation is now reluctant or unable to fund grassroots groups whose work focuses on regulatory reform, but their role in SEPS is ramping up. From the perspective of a grassroots group, this is frankly disappointing, unfortunate, and indicative of the problem DTSC and its partners have in being complicit in the facilitation and generation of health impacting wastes, rather than its deterrence.

Priority #1 should incorporate discussion and transparency concerning rates of source reduction and rates of compliance, as that data would more directly relate to the effectiveness of the DTSC's enforcement and equitable management of generated toxics.

Institutionalizing Community Engagement:

Nothing within the evaluation reveals the overwhelming dissent by impacted frontline communities regarding many of the decisions being made by DTSC. Tallying the number of collected surveys or comments on a given issue provides no information about the nature of the feedback given or what critical information is missing from collection. No apparent mechanisms exist that will allow the evaluation's viewer to perceive what is broken and yet hidden from view by the agency. There is nothing within this exercise of evaluation that will bring to light anything other than what DTSC's director intends to perform for her superiors. But that doesn't mean that there isn't content worthy of critique within the evaluation that was adopted.

Consistency Across Communities:

The "Institutionalizing Community Engagement" Priority is fraught with what could politely be described as loopholes. While DTSC boasts claims of "applying the successful community engagement models employed for this project (Excide) as best practices for projects across the state", Parents Against Santa Susana Field Lab's (PASSFL) earnest advocacy for the implementation of some of the very same protections were unilaterally denied to us during the remediation of the SSFL's Area 1 Burn Pit (A1BP) in 2024; the same time period this report and evaluation covers. Our requests for an independent 3rd party monitor were denied, with the generalized explanation given to us by DTSC; "it's not how we do it". Apparently it was how they did it, but for reasons unknown, those protections were somehow not available to all remediation sites in CA seeking independent oversight. However, as Boeing's general soil remediation is slated to begin this coming summer we are thrilled to hear that DTSC intends to implement these improved Best Practices as standard. We hope that our advocacy for improved remediation protections will be more eagerly received this time around and that they will be useful to the DTSC in next year's report of accomplishments.

Public Engagement:

The content surrounding the "Sub-deliverable 2.2.1 Evaluate performance of public engagement tools" lacked the qualitative data that can more accurately depict the "completion" of this metric. Importantly, the definition of what determines "success" in public engagement seems to be agreed upon by DTSC and BES to be sufficiently obtained by quantitative metrics; yet most frontline communities will disagree vehemently. DTSC can hold meetings, send out surveys, and catalog comments, while at the same time implementing zero of the recommendations or requests from community members. As a front line community member, effective public engagement requires responsiveness that is reflected in the agency's decision making, not only in the collection and reporting of outreach attempts. It is clear the DTSC still thinks it primarily has a communication problem, that if it communicates better through varied communication strategies; there would be greater "understanding" and less advocacy against the work the DTSC conducts. But the reality is that the communities don't have a misunderstanding. Community advocates frequently educate themselves over decades to enable themselves to advocate competently for community protections. Frontline community members often understand explicitly that DTSC's job is to permit, both literally and figuratively, toxic wastes and that its mandate to protect the public has taken a backseat to those industry interests.

A sub-deliverable that *could* get to a realization of successful public engagement could potentially be something such as; analysis of public comment to determine whether the recommendation would bring greater protections to public health; and if so; adoption of recommendation. Another tool could be to bring the public into conversation before plans are close to adoption and not solely as a CEQA requisite; to allow real participation in forming agency decisions that will ultimately affect them the most. Incorporation of independent and peer-reviewed science into decision making instead of centering polluter contracted/generated science would go a long way

towards incorporating and centering the needs of communities.

Genuine responsiveness that leads to successful engagement cannot continually refuse to promote community asks to the "Priorities" within DTSC. If DTSC has listened carefully to the last several years of community and public input the metrics put forth in the HWMP and in the Directors priorities themselves would include; strengthening waste classification methodologies, maintaining hazardous waste regulatory standards to the tightest and thus most health protective standards possible, prioritizing source reduction strategies right now- not delaying this most important aspect of work to some undetermined future date. It would also include incorporating ground truthing into determining impacts to vulnerable communities; not handing off that critical job to the permit applicants as DTSC is currently planning. The ascertainment of the asks repeated ad nauseum by communities and NGOs should be utilized to shape and evaluate DTSC's community engagement success. If community concerns are never rectified and appropriately incorporated into this priority, all the completed surveys in the world will not make a bit of difference to the attempt to measure its ultimate success.

Finally, we regret that the Director's Priorities and the accompanying Evaluation do not genuinely reflect the reality experienced within the meetings and hearings attended by the public. An honest evaluation would at least touch on the deeply engaged public dissent that accompanies the vast majority of DTSC's proposed plans, regulations and rule making. A thorough evaluation would utilize this dissent as a road map to guide the process and its recommendations.

Thank you for taking time to consider these critiques.

Signed,

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