



Aerospace Cancer Museum of Education-Los Angeles
Black Women for Wellness
Center for Community Action and Environmental Justice
Center on Race, Poverty, and the Environment
Committee to Bridge the Gap
Communities for a Better Environment
Concerned Neighbors of Wildomar
Friends of the Los Angeles River
Greenaction for Health and Environmental Justice
Lori Lowe, Newark resident impacted by Evergreen Oil
Neighbors Against Phibro-Tech
Physicians for Social Responsibility-Los Angeles
Rocketdyne Cleanup Coalition
Silicon Valley Toxics Coalition
Southern California Federation of Scientists
Alice Sterling, Simi Valley resident concerned with Simi Valley Landfill
Teens Against Toxins
West County Toxics Coalition

April 18, 2013

Senator Kevin de León
State Capitol, Room 5108
Sacramento, CA 95814
Dear Senator de León:

We are writing in support of your call for an investigation into the Department of Toxic Substances Control and critically needed reform of this department. Consumer Watchdog's recent report Golden Wasteland detailed how DTSC has left communities at the mercy of polluters that release carcinogens and other debilitating toxins to our soil, water, and air for years. Many of these are low-income communities of color who are disproportionately impacted by local pollution. The Consumer Watchdog report and investigations by journalists portray a troubling picture of a department that is supposed to protect the public but often is unduly influenced by lobbyists for polluting interests.

DTSC released a statement in response to this report, and while DTSC admits public confidence needs to be restored, it has not made clear that the steps necessary to do so are in fact being undertaken and it leaves many concerns outstanding. In fact, just last week DTSC issued a relatively small, slap on the wrist fine of \$311,000 to Chem Waste for 72 serious violations at Kettleman City, but the law allowed a fine of \$25,000 for each violation which then could have totaled \$1,800,000.

The Consumer Watchdog report recounts numerous cases around the state, including that of Phibro-Tech, which is in your district and the industrial heartland of Los Angeles, where the US EPA traced emissions of hexavalent chromium back to the company in the mid-1990s. DTSC has been absent in terms of enforcement and has allowed this serial toxic violator to operate on an expired permit for 16 years. The US EPA told the company to clean up in 1995 and it hasn't cleaned up the water to this day. Several of our organizations also have direct experience working with the impacted communities of Kettleman City, Richmond, Simi Valley, Wildomar and those living near Phibro-Tech and the Santa Susana Field Laboratory and validate the concerns about those sites that were included in the Consumer Watchdog report. We are also concerned about other communities whose health is impacted by local toxics and who have had similar experiences with DTSC.

A bias toward industry, wrist-slap fines for serial violators of environmental laws, a significant drop in the number of cases referred to public prosecutors, the refusal to use its powers to revoke the permits of serial toxic polluters, and failure to insist on strict cleanup requirements for contamination are just some of the DTSC's lapses in the last few decades.

We support your call for a thorough investigation of the DTSC, including addressing potential conflicts of interest and "revolving door" influence of industry and the disturbing decline in its enforcement of hazardous waste laws in the state. We also were pleased by your announcement of your desire to pursue legislation that might help reform DTSC so it is more protective of the public. We would be happy to meet with you to discuss these concerns as well as our organization's experiences with impacted communities and DTSC.

Finally, we want you to know how much we deeply appreciate your leadership in addressing DTSC's failure to protect communities from toxics.

Sincerely,

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