



Re: Physicians for Social Responsibility-Los Angeles; Southern California Federation of Scientists; Committee to Bridge the Gap; and Consumer Watchdog v. Department of Toxic Substances Control; Department of Public Health, Case No. S280480

Amicus Letter of Parents Against Santa Susana Field Lab in Support of Petition for Review

Dear Chief Justice Guerrero and Associate Justices:

Parents Against the Santa Susana Field Lab (SSFL), a grassroots environmental advocacy organization, respectfully submits this amicus letter to urge the Court to grant review in the above-entitled matter. Parents Against the SSFL, founded by mothers of children with cancer, are advocates for the comprehensive and health protective clean up of the SSFL, site of a nuclear meltdown and other radioactive accidents, chemically contaminated by the processes of over 30,000 rocket engine tests and the improper disposal and destruction of hazardous waste on site. Our group, which was started in response to the discovery of a high number of childhood cancers in our communities, stands as a testament to the impact that the unremediated contamination, the irresponsible activities at the site, and offsite waste disposal have had on real people.

We write this letter to ask the Court to enforce the state's regulation requiring full remediation of contaminated nuclear sites and to prevent that regulation's replacement with unauthorized weaker standards that were never properly adopted.

DTSC: A Danger to Community

We are a community at daily risk of exposure to one of California's most toxic sites and the site of one of America's worst nuclear meltdowns: the Santa Susana Field Lab. The site remains contaminated today despite the Department of Toxic Substances Control (DTSC)'s agreements that should have completed the soil cleanup by 2017, in addition to installing a permanent groundwater system. The site has over 300 documented contaminants of concern in the soil, groundwater, and surface water. These include long-lasting chemicals (many of which have since been federally banned), toxic metals, and carcinogenic radionuclides. Despite environmental laws and state policies mandating the elimination of radiation, the DTSC continues to allow preventable exposure of the site's contamination to hundreds of thousands of nearby residents, resisting the DTSC's obligations to decontaminate the site.

The original SSFL 2007 and 2010 cleanup agreements were some of the most stringent in California, possibly in the U.S., and may have set new precedents for health-protective cleanups across the country, protecting millions of Americans. DTSC has now compromised both agreements so that they will instead allow the Responsible Parties (RP), Boeing, NASA, and Department of Energy, to leave most of the contamination on site. Although official state policy is to eliminate radiation from the site, the DTSC has allowed it to remain here, six years past when the cleanup should have been completed. Much of that has to do with DTSC stalling out of fear that the RPs might sue if the original cleanup agreements were enforced. Delayed action by the DTSC should be the worst of the risks that we have to tolerate. Unfortunately, the DTSC has also allowed the site's RPs to engage in recklessly dangerous cleanup methods and disposal practices that evade state regulations of responsibly eliminating radiation, putting people near and far at risk of entirely avoidable exposure to toxic and carcinogenic contamination.

Boeing's handling of debris from the Santa Susana Field Lab in 2013 is something that feels like it belongs to a dystopian novel. Boeing sent thousands of tons of contaminated debris to non-licensed waste sites, some of them municipal landfills that were not built for low-level radioactive waste and that aren't monitored to ensure against radioactive leaks. Parents Against Santa Susana Field Lab has worked with other Environmental Justice (EJ) groups across California. The last thing we want is for the contamination at our site to go harm people we care about in other communities.

It's shameful that DTSC decided that it was acceptable to put low-level radioactive waste into the communities of Buttonwillow, McKittrick, Azusa, and Lancaster. According to CalEPA's EnviroScreen¹ these four communities rate within the 80-95 percentile; the two highest environmental justice scores that include factors such as pollution burden, exposure, and socioeconomic characteristics indicating that these four communities are populations more at-risk to suffering the most extreme effects of environmental pollution. According to DTSC's 2020-2024 strategic plan, environmental justice is one of their five primary goals for the agency, stating their program, "promotes environmental justice to prevent harm and protect California's most vulnerable and environmentally burdened communities."² The DTSC has failed our community and the four communities where they allowed Boeing to send low-level radioactive debris from SSFL.

The DTSC didn't stop there. They also allowed Boeing to recycle 493 tons (or about 986,000 pounds) of contaminated metal and 2,432 tons of contaminated concrete and asphalt (4,864,000 pounds) back into the commercial supply.³ The low-level radioactive debris from the SSFL has the potential to harm innocent people for hundreds of thousands of years. Boeing's reckless actions have made this harmful debris untraceable. It may be used in new office

¹ EnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

² EnviroScreen 4.0: <https://dtsc.ca.gov/environmental-justice/>

³ Committee to Bridge the Gap: <https://www.committeetobridgethegap.org/SSFLDemolitionAndDisposalStudy.pdf>

buildings, schools, homes, hospitals, and playgrounds which could eventually be demolished, recycled, reused, demolished, recycled, and reused, etc. -- for centuries. In each part of the process, people will be exposed anew, with no warning that the material they're exposed to came from the site of one of America's worst nuclear meltdowns. It's the worst case scenario.

What is truly shocking is that the DTSC, a government agency meant to keep polluters from harming the public, in the most literal sense; charged with "controlling toxic substances,"⁴ approved of Boeing's actions. A decade later they approved of the Department of Energy's actions to blow up a radioactive building at the SSFL with the intent to send the waste to a non-licensed site.

In the fall of 2021 the Department of Energy (DOE) used explosives to demolish one of the last remaining buildings in Area IV, the Sodium Test Pump Facility (Building 4462). Though the 2010 cleanup agreement specifies that all of SSFL's building debris must go to licensed low-level radioactive waste sites,⁵ DOE said it would send the debris to a hazardous waste site instead, which is considerably less protective of both the workers as well as those living in the surrounding communities. After we and other community members reviewed DOE's data, it became clear that DTSC had approved the demolition and disposal despite low level radioactivity in the structure. Only upon pressure from community groups and the public did DTSC finally agree to send the debris to a facility licensed for low level radioactive waste. The Standard Operating Procedure (SOP) document for the demolition of Building 4462 stated that dust mitigation measures would be utilized. This was critical in preventing radioactive particles from moving offsite in the wind. But DOE didn't use the water cannons specified in the

⁴ DTSC Mission statement:

<https://dtsc.ca.gov/who-we-are/#:~:text=DTSC's%20Mission%20is%20to%20protect,to%20make%20safe%20consumer%20products.>

⁵ 2010 Agreement on Consent:

https://www.etec.energy.gov/Library/Cleanup_and_Characterization/SSFL_DOE_AOC_Final.pdf

SOP to mitigate the spread of radioactive dust. No dust dampening strategies were implemented.⁶

This dangerous practice puts people far from the area surrounding SSFL at risk; from the workers at the unlicensed facilities who are unaware of the dangers posed by exposure to radioactive waste that has been delivered to their facility, to local residents who may breath the dust from outdoor recycling methods, to those who are handling consumer products made from recycled radioactive demolition debris.

We are similarly concerned -- rather, terrified-- about Boeing's Plutonium Fuel Facility and five other radioactive buildings at the SSFL that have yet to be demolished and disposed of. Plutonium-239 is one of man's most deadly creations. Inhaling trace amounts can cause lung cancer or disease. It has a half-life of 24,000 years. The demolition and disposal of these buildings, especially the Plutonium Fuel Facility, should be conducted with the most protective measures possible. We are apprehensive that the DTSC will once again allow Boeing to take the least expensive and least protective measures with one of the most dangerous buildings in California. Boeing, left to their own best practices under the DTSC's loose and permissive supervision, poses an unfathomable risk to the public; both current and future, near and far.

The Department of Toxic Substances Control was created to intervene in these exact situations, to keep the worst-case-scenarios from happening. Not only have they failed to keep toxic and radioactive waste away from the public, they greenlighted the money-saving tactics of the Responsible Parties, allowing for long-term risk to public health. The DTSC is allowing the RPs to forge a path for other corporations to follow; signaling that it is acceptable for a corporation to profit regardless of harming people, especially if it is difficult for the public to prove the source of their cancer or disease. It's a win-win situation for corporations; a life-and-death situation for the people living nearby.

⁶ NBC News on DOE demolition:
<https://www.nbclosangeles.com/investigations/radioactive-waste-santa-susana-field-lab-cleanup/3139095/>
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Community Health and Quality of Life

Living close to the SSFL poses unique risks of exposure to the site's contaminants. Many residents live directly beneath the site and are subject to contaminant migration through the natural processes of wind, rain, and through smoke and ash from wild-fires at the site. The SSFL contamination continually pollutes the Los Angeles River and Ventura County's Calleguas Creek Watershed.^{7,8} A private water company, which serves 30% of Simi Valley, utilizes wells that the EPA states could potentially be contaminated by SSFL groundwater for their residential drinking water blend.⁹ The Chatsworth Reservoir is so polluted that it can no longer be used for drinking water by the Los Angeles Department of Water and Power. An independent study found radioactive ash from the catastrophic 2018 Woolsey Fire, which started on the SSFL, in neighboring cities.¹⁰ Boeing's own RFI study found that some portions of the Santa Susana Field Lab are so dangerous that 96 out of 100 hypothetical people would get cancer if they lived onsite and ate the produce they grew there.¹¹ An EPA Radiological Survey,¹² EPA Radiological Background Study,¹³ and the accompanying statistical appendix¹⁴ found 291 soil samples with cesium-137 contamination at levels up to 1,000 times background (naturally existing radiation),

⁷ Tentative NPDES Permit for Boeing:

https://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/individual/npdes/Boeing_Santa_Susana_Field_Lab/CA0001309DraftTentativeRequirements-ADA.pdf

⁸ Water issues at SSFL: <https://parentsagainstssfl.com/water>

⁹ Preliminary Site Assessment:

<https://www.ssflworkgroup.org/files/11-30-07%20Preliminary%20Assessment-Site%20Inspection%20Report.pdf>

¹⁰ Fairwinds Energy Education:

https://parentsagainstssfl.com/s/JournalEnvRadioactivity_WoolseyFireSoilSamples.pdf

¹¹ Draft RCRA Facility Investigation Data Summary:

<https://www.documentcloud.org/documents/3522589-Draft-RCRA-Facility-Investigation-Data-Summary.html#document/p2856/a345374>

¹² EPA Radiological Study:

http://www.dtsc-ssfl.com/files/lib_doe_area_iv/epaareaivsurvey/techdocs/65789_Final_Radiological_Characterization_of_Soils_122112.pdf

¹³ EPA Radiological Background Study:

http://www.dtsc-ssfl.com/files/lib_doe_area_iv/bgstudy/Final_SSFL_Radiological_Background_Study_Report.pdf

¹⁴ Statistical Appendix:

http://www.dtsc-ssfl.com/files/lib_doe_area_iv/bgstudy/66045_SSFL_Background_Study_-_Statistical_Methodology.pdf

and 153 samples had strontium-90 at levels up to 284 times background. It's no surprise that there is a 60% higher cancer incidence rate for residents living two miles from the site, compared to five miles.^{15,16}

As residents, we don't just know about this cancer rate as a statistic. We know the people with cancer by name. Whether it's a child, a family member, a friend, or the cashier at Target, these are our people. Cancer doesn't just harm our bodies. It breaks relationships, finances, and mental health. The impact can last for generations. When one person here is impacted by cancer or disease, it tears at the fabric of our community. We live in the shadow of the Santa Susana Field Lab. The threat of its contamination haunts us.

As a resident, there is an unspoken belief that if it wasn't safe, "they" wouldn't let us live here. Not only have "they" allowed homes to be built up to the fence-line of the Santa Susana Field Lab (SSFL), formerly known as Rocketdyne, but they have allowed the reckless handling of the contamination from the site to harm the people living near and far.

The SSFL was a source of extreme civic pride. Workers were seen as local heroes; fighting the cold war and advancing America as a technological world power. Employees were living proof that the American Dream was alive and well. Even today, in the city of Simi Valley which borders the SSFL, there is a rocket and an atomic symbol on the city's seal.

Residents heard the rocket engine tests shake the hills but never dared to imagine that it was releasing dangerous toxins into the environment at the same time. The public had no idea experimental radioactive work was happening at all, much less that the site had a major nuclear meltdown, radioactive spills, fires, leaks and accidents.¹⁷ Residents who knew about the site believed the stories of the radioactive contamination to be urban legend. After the rocket engine

¹⁵ *An independent, federally funded study:* [Cancer Incidence in the Community Surrounding the Rocketdyne Facility in Southern California](#)

¹⁶ *Letter to former Senator Simitian to clarify the 60% cancer incidence rate:* http://www.ssflworkgroup.org/files/LettertoSen.Simitian_041507.pdf

¹⁷ *SSFL Accidents:* <https://parentsagainstssfl.com/accidents>

tests stopped, residents had no reason to remember that the SSFL existed. New families moved into town drawn to the good schools, strong community, and close commute to Los Angeles. Those who purchased homes were given a two-sentence clause in their mortgage paperwork that the SSFL existed. That was their only hint that they might be exposed to toxic and radioactive waste by living nearby. Renters did not get any notice. For decades, there were whispers of whole streets being impacted by cancer, whole families by non-hereditary diseases. Few assumed it could be linked to the SSFL. Those who vocalized their concerns were ridiculed and ostracized.

Grace Bumstead of West Hills was diagnosed at age four with an incredibly rare and aggressive form of leukemia in 2014. Her mom, Melissa Bumstead, kept meeting other families at Children's Hospital Los Angeles and learned that many of them were neighbors at home. Pediatric cancer is incredibly rare, with approximately 15,000 new cases in America each year. Working with a statistician, and using self-reported, imputed data, they realized their community was above the national average for several rare pediatric cancers.¹⁸ They all lived within miles of the Santa Susana Field Lab. For most of them, that was the first time they had ever heard about the site.

Bumstead created the grassroots group Parents Against Santa Susana Field Lab to try to educate and organize the community to fight for the complete cleanup, so that no other families would suffer from potentially preventable cancer or disease. Through word of mouth she discovered over eighty children in their community with cancer.¹⁹ A 2022 Emmy-nominated

¹⁸ *Self-reported pediatric cancer map:*

https://static1.squarespace.com/static/59d300e51f318d87163cb9bb/t/603ed3dd969df41752ca0b9e/1614730207625/ReportPediatricCancerCluster_31417.pdf

¹⁹ Children with cancer:

<https://www.reuters.com/investigates/special-report/usa-pollution-conservation-easements/>

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documentary, “In the Dark of the Valley,”²⁰ follows her and several other moms as they advocate for the site’s full cleanup while navigating their children’s cancer.

It has been a challenging task to work with the community harmed by the SSFL; much like pouring antiseptic on a deep, infected wound. There are several aspects of the SSFL that we’ve watched community members wrestle with; disappointment when they realize that the home and community they’ve invested in isn’t the safe place they had imagined. Disillusionment that the government they’ve pledged their allegiance to isn’t as dedicated to their safety and wellbeing as they had once believed. Anger that corporations, government, and politicians have put a low value on their lives and the lives of people they love. Frustration when dealing with complicated data and trying to find trustworthy sources to explain it to them. Exhaustion from trying to prioritize the cleanup while trying to balance their personal lives. Feelings of being overwhelmed when learning the full extent of the contamination, corruption, and coverup. Regret for those who worked at the site but didn’t consider the ramifications of their actions. Grieving the loss of loved ones. Fatigue from managing illness. Numbness that can wear down parents when they understand that living near to a toxic site puts their children at daily risk of exposure, and feeling powerless if they’re unable to move to a safer environment. Finally, the relentless pursuit for hope and courage against a seemingly impossible fight for the full cleanup.

We ask that the court support our struggle for justice and our pursuit to hold DTSC and the RPs accountable. Their actions must not set a precedent that streamlines procedural shortcuts resulting in high risks to the health of the humans not tallied in their fiscal budget but who without a doubt pay the real cost. Our children are paying with their lives.

What we ask of the courts is to hold the DTSC and the Responsible Parties at the SSFL to the regulations that were created to protect people. Not only do we want the Responsible Parties to engage in safe demolition practices during cleanup activities, we also want them to be

²⁰ “*In the Dark of the Valley*,” streaming on Peacock TV: <https://www.peacocktv.com/watch-online/news/in-the-dark-of-the-valley/dc9caabc-c48c-348e-b468-79ba30bf1b57>

prohibited from transporting it to other vulnerable communities and unlicensed sites and from being sent to recycle facilities. The only acceptable solution for low-level radioactive and toxic waste is to transport it to sites licensed specifically to receive it. The decision of the court to review this case could have significant implications across the state for generations to come. The unethical practice by corporations and regulators of risking human exposure to life-threatening radiation in efforts to save money on disposal methods must not stand. Please carefully consider our letter and intervene on behalf of our community.

Sincerely,

Melissa Bumstead

A handwritten signature in black ink that reads "Melissa Bumstead". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jeni Knack

A handwritten signature in black ink that reads "jeni knack". The signature is written in a lowercase, cursive style.

Document received by the CA Supreme Court.

PROOF OF SERVICE

STATE OF CALIFORNIA

Re: *Physicians for Social Responsibility-Los Angeles, et al., v. Dept. of Toxic Substances Control, et al.*, Case No. S280480
3DCA No. C088821, 34-2013-80001589

I reside in the County of Ventura State of California. I am over the age of 18 and not a party to the within action. My residential address is 2717 Loraine Pl., Simi Valley, California, 93065. My electronic mail address is jdknack@gmail.com

On **July 3, 2023**, I served the foregoing document(s) described as **Parents Against SSFL Amicus Letter** on all appropriate parties in this action, as listed on the attached Service List, by the method stated:

If Electronic Filing Service (EFS) is indicated, I electronically filed the document(s) with the Clerk of the Court by using the EFS/TrueFiling system as required by California Rules of Court, rule 8.70. Participants in the case who are registered EFS/TrueFiling users will be served by the EFS/TrueFiling system. Participants in the case who are not registered EFS/TrueFiling users will be served by mail or by other means permitted by the court rules.

If U.S. Mail service is indicated, by placing this date for collection for mailing true copies in sealed envelopes, first-class postage prepaid, addressed to each person as indicated, pursuant to Code of Civil Procedure section 1013a(3). I am readily familiar with the practice of mail collection by the U. S. Postal Service at my residence. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at (City), California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this is executed on **7/3/23**, at Simi Valley, California.



Jeni Knack

SERVICE LIST

Physicians for Social Responsibility-Los Angeles, et al., v. Dept. of Toxic Substances Control, et al.,

Case No. S280480, 3DCA No. C088821, 34-2013-80001589

<p>Via EFS Kavita P. Lesser David Zaft California Department of Justice 300 South Spring Street Los Angeles, California 90013 Tel: 213-269-6605 • Fax: 213-269-6372 Email: Kavita.Lesser@doj.ca.gov David.Zaft@doj.ca.gov</p> <p><i>Attorneys for Respondent Department of Toxic Substances Control</i></p>	<p>Via EFS Gordon E. Hart Cox Castle Nicholson 50 California Street 32nd Floor San Francisco, California 94111 Tel: 415-262-5100 • Fax: 415-262-5199 Email: ghart@coxcastle.com</p> <p><i>Attorneys for Real Party in Interest The Boeing Company</i></p>
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<p>Via U. S. Mail Honorable Richard K. Sueyoshi Sacramento Superior Court – Dept. 28 720 Ninth Street Sacramento, California 95814</p>	

Document received by the CA Supreme Court.

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