



Testimony of Angela Johnson Meszaros
Senior Attorney, Community Partnerships Program
before the
Senate Environment Quality Committee and
Assembly Environmental Safety and Toxic Materials Committee
Senator Blakespear
Assembly Member Connolly
Chairs
August 20, 2025

Good morning Madame Chair, Mr. Chair, and Honorable Members

Introduction

Thank you for inviting me here to discuss DTSC. I am Angela Johnson Meszaros, senior attorney in the Community Partnerships Program at Earthjustice. Our team represents front-line community leaders demanding a safe, just, and healthy environment in which their communities thrive. My appearance here today is not on behalf of a client but as an informed participant in the work to push DTSC to protect people and the environment from unjustified or unlawful threats posed by the creation, use, recapture, and disposal of hazardous substances.

DTSC's critical mandate

The questions and observations of those most impacted by a situation are, generally, the most instructive. I invite you to consider these: “What do you tell your children, ‘You don’t breathe. That’s the only way we can protect you?’” asked Richard Kamimura in a 2018 hearing for a still-delayed permit decision for a facility with a decades long history of violating hazardous waste management laws. Mr. Kamimura passed away this year, yet, his words and deeds still push this work forward. “How can I justify this to my firefighter’s wife, [what] if he would have died?” wondered Lt. Eduardo Ibarra while reflecting on the risks his firefighters faced responding to yet another fire at a scrap metal recycler. “The regulators, they back down. That’s really our biggest problem,” observed Rebecca Overmyer-Velázquez when reflecting on engagement with DTSC.

DTSC has a unique and critical role in the landscape of protections to health and the environment because its work is across media and from “cradle to grave. DTSC’s mandate is to keep its focus on long-term changes needed to eliminate hazardous

substances while ensuring necessary short-term protections needed to keep us safe. But, it feels like DTSC still has not found its way.

Effective vs ineffective management

Today's hearing is called for in SB 158 so that this body can hear about and consider the progress that DTSC has made in addressing long-standing, clearly identified challenges that bill sought to address. While I will not say that nothing has happened since 2021, I will say that the challenges of "yesterday" persist. Or, as my grandmother might say "just doing anything isn't the same thing as doing something." DTSC, it seems, does not share our feeling of the "the fierce urgency of now"--a phrase Dr. Martin Luther King used to call for immediate and decisive action needed to address critical issues.

In the context of our critical issues, SB 158 was a cumulating legislative moment in a 15-year effort to push DTSC to respond to years of questions and observations from people who need DTSC to be timely, effective, and protective in its work. A 2013 report titled *Permitting Process Review and Analysis* is important because it described many of the challenges that we continue to grapple with. For example, the report found that permitting decisions were not made in a timely way. Then, 25% of the facilities were operating on "expired" permits. The report recommended increasing permitting staff to 35 to handle the workload, including the "backlog." Now, the permitting division has 73 positions and DTSC reports that 20% of facilities are operating with "expired" permits. The four longest delayed permits expired at least a decade ago --2015, 2013, 2006, and 1996. These long-delayed decisions are not a backlog; they are an institutional failure. DTSC is stuck. And, as a result, communities are stuck with facilities that endanger their health and safety. This is urgent.

The ongoing failure to adopt regulations mandated by SB 673 is another instance of this same failure. In 2015, in response to the 2013 report and the (ongoing) Exide disaster, the legislature "required" DTSC to adopt permitting regulations and reforms. DTSC did some of what SB 673 mandated, but not the parts that directly protect people from facilities that are too lawless, too close, or too dangerous to continue to ignore. Here, again, DTSC is stuck. And, again, communities are stuck with these facilities. This is urgent.

Some argue that it is critical to balance benefits of purportedly uncertain protections of public health against the calculable costs of hazardous waste management. That, however, is not right. *First*, there is absolutely no doubt that the substances we are talking about here are hazardous. *Second*, and critically, the proper balance isn't the cost to business operating in the state on one side and the protection of health and the environment on the other. Rather, the proper balance is effective management of hazardous substances vs ineffective management of hazardous substances.

Effective management of hazardous waste means—at minimum--source reduction; permitting conditions that eliminate emissions; and consistent, strong enforcement that ensures that operators make protective choices before being caught. This is how we eliminate tragedies like what is unfolding at Exide. The people of California have spent nearly one billion dollars on that clean up. It has absorbed massive institutional bandwidth and resources in DTSC. The health costs to people in proximity to that site are incalculable. And it's not clean.

Even if the proper balance is environmental costs versus economic costs, the scale is wildly out of balance. Ineffective management of hazardous substances is extraordinarily expensive both in the suffering it causes and dollars required to address it.

Imagine, for a moment, a world in which we invested a billion dollars to eliminate emissions of hazardous substances on the front end? The reality is that the people of California are paying for ineffective management of hazardous substances with our dollars and our health. In a nod to the regulated entities, I'll note fees are a critical tool--but need not be the only tool--to pay for these costs. But, the regulated entities must acknowledge the obligation to spend the money necessary to eliminate emissions of hazardous substances into our air, water, soil and bodies. In reality, we have a long way to go before we need to be concerned that DTSCs regulations are too protective or too costly. The regulated entities should not be free to simply rid themselves of costs rightfully theirs. And we cannot cap our investment in effective hazardous substances management at what the regulated entities are willing to pay.

Refocus on core principles

The legislature has a critical role in bringing needed clarity to DTSC's urgent work.

Comprehensive, clear, and protective regulatory structures create a business environment in which safe operators have clarity, unsafe operators are held accountable, and public health and the environment are protected. This is the win-win-win outcome that DTSC must strive to pursue.

But right now, DTSC is not leading us on a path to a circular economy—it is stuck in a status quo of recurring disasters. And we do not share the director's confidence in the path set out in the Hazardous Waste Management Plan.

The way forward is not—and cannot be—to annually tisk-tisk about DTSCs ongoing challenges. Or to hope a Board that lacks or fails to use legislative authority will change the status quo at DTSC. The work DTSC holds is simply too critical and too urgent. Rather, now—four years after the adoption of SB 158--the legislature must return its focus to the challenges DTSC continues to face and use the tools that uniquely belong to the legislative branch to reshape and redirect the work of this department. Because today, like every day, the legislature's oversight matters. Perhaps through oversight hearings, the creation of a select or joint committee, or both-- members of this body can focus on developing needed solutions that move us beyond rehashing DTSC's long, troubling history of challenges and--working with front-line leaders—chart the next steps that will move us forward.

I implore you to talk with people impacted by the consequences of the creation, use, recapture, and disposal of hazardous substances. Go to those places. See those faces. Hear those voices. Lean into the solutions those with the most at stake are calling for. Take on the courageous act of leadership. Work with us to build the institution or institutions needed to protect public health and the environment from the threats of hazardous substances and to restore land impacted by environmental contamination. Embrace the challenge of ensuring that DTSC changes real peoples' lived experiences for the better. This is urgent.