

Department of Toxic Substances Control

*Fiscal Year
2024-2025 Evaluation*

Prepared by

Board of Environmental Safety

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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 CalLearns, 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 former, current, and future cleanup sites. The unit will develop, update, and maintain guidance materials, assist in conducting vulnerability assessments, and will help DTSC prioritize sites that are most impacted by climate change. SMRP is in the stages of recruiting and training new staff.”

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

BES Evaluation: As of August 2025, the Climate Change Unit is fully staffed with a Supervising Hazardous Substances Engineer (HSE) I, a senior Engineering Geologist, a Senior HSE, and an HSE.

Sub-Deliverable 4.1.5 Sea Level Rise Guidance.

“Revise and release Sea Level Rise Guidance in accordance with the new OPC criteria by October 2024.”

Status Reported by DTSC: Complete

BES Evaluation: DTSC completed this sub-deliverable by releasing revised SLR Guidance on October 11, 2024, following a public comment period. Since its release, the revised guidance has been applied to over 50 cleanup sites within the subset of 350 active cleanup sites that SMRP determined to be “at-risk” during its baseline screening.

Director’s Deliverable 4.2 Hazardous waste facilities characterization.

“We will assess permitted facilities (and possibly generators) that are vulnerable to impacts of climate change, including sea level rise, wildfires, floods, and other extreme weather events. These impacts threaten the resilience of safeguards at hazardous waste treatment, storage, and disposal facilities. These facilities are disproportionately found in vulnerable communities which are already often particularly susceptible to climate impacts. DTSC will coordinate with U.S. EPA to

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 on stormwater and erosion control has concluded. DTSC indicated that current permits contain requirements to address climate change related impacts, including by requiring revisions to the applicant’s planned equipment or operating procedures or specific permit conditions. For example, DTSC has added permit conditions to require a facility to move its hazardous waste to a designated site if certain flooding events are forecasted. DTSC provides public access to permitting and climate change related information for hazardous waste sites through its [website](#).

BES Recommendation: The Board recommends that DTSC continue to incorporate climate change considerations into its hazardous waste permitting processes and maintain public access to permitting and climate change related information for hazardous waste sites through its website.

Director’s Deliverable 4.3 Support circularity through the Hazardous Waste Management Plan.

“In partnership with stakeholders, we will develop the state’s first Hazardous Waste Management Plan to serve as a guide for the department. The Plan will explore innovative ways to incentivize hazardous waste reduction; support a circular economy; assess whether current hazardous waste criteria should be updated to reflect advances in science, technology, or analytical methods; and evaluate emerging contaminants. The Plan will be forward-thinking while also relying on proven and scientific practices. The level of stakeholder interest and engagement during the reporting phase has been energizing and DTSC looks forward to continued engagement.”

Sub-Deliverable 4.3.1 Public Engagement.

“Conduct robust public engagement through a series of public workshops; Present regular updates at each BES meeting; Conduct regular meetings with interested parties, such as regulated entities.”

Status Reported by DTSC: Complete

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 the 2025 Plan at its November 17, 2025, Board Meeting and will retain oversight of the implementation of certain aspects of the Plan.

BES Recommendation: The Board recognizes the enormous amount of work by DTSC to prepare the first Plan. For the next Plan iteration, the Board recommends DTSC:

- Hold workshops prior to the release of the draft Plan that are not overly technical, easy for the public to digest, and organized by each goal.
- Host community listening sessions which also include advocacy organizations.
- Continue to offer one-on-one meetings with the regulated community and other interested stakeholders.
- Ensure presentations at Plan hearings are sufficiently explanatory, easy for the public to digest, and iterative as well as responsive to feedback received at workshops and prior hearings.

Sub-Deliverable 4.3.2. Plan Submission.

"Submit plan to the BES by March 2025."

Status Reported by DTSC: Complete

BES Evaluation: Health and Safety Code, section 25135(a) mandates that DTSC present a State Hazardous Waste Management Plan to the Board for approval by March 1, 2025, and every three years thereafter. The first Plan was publicly released and shared with the Board on March 14, 2025. The first of four public hearings was held on March 19, 2025.

Director's Deliverable 4.4 Safer Consumer Products water quality protections.

"Generation of recycled water is a key component of California's larger water management strategy. For recycled water to meet California's expansive water

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 as Priority Products, thus helping prevent up to 100 metric tons of PFASs from reaching California homes and workplaces each year. DTSC continues to assess compliance with its regulations limiting PFASs in certain products, which can release highly persistent, mobile, and toxic water contaminants. DTSC will continue to use its unique framework to prioritize regulating Priority Products that prevent or reduce the release of chemicals that may adversely impact the potential to generate recycled water.”

Sub-deliverable 4.4.1 Laundry detergents containing nonylphenol ethoxylates.

“Promulgate regulations to list laundry detergents containing nonylphenol ethoxylates as a Priority Product. This will require to either submit removal or replacement notifications or preliminary Alternatives Analysis reports by February 2025.”

Status Reported by DTSC: Complete

BES Evaluation: DTSC's Safer Consumer Products Program (SCP) may identify and list as a Priority Product one or more product-chemical combinations that it determines to be of high priority. DTSC's decision to identify and list a product-chemical combination is based on an evaluation of potential exposures and adverse impacts. Nonylphenol ethoxylates (NPEs) are a class of low-cost, highly effective surfactants used for their cleaning properties in a variety of consumer products. NPEs are well-known aquatic toxicants that can pass through wastewater treatment plants and enter bodies of water. Even low concentrations can impact fish and aquatic invertebrates.

DTSC finalized a regulation pursuant to the SCP Regulations to list laundry detergents containing NPEs as a Priority Product, effective as of October 1, 2024. DTSC is not aware of any entities that have not submitted a Priority Product Notification that should have. As a result, it appears that most manufacturers have removed NPEs from laundry detergents sold in California.

Sub-deliverable 4.4.2 Address problematic uses of PFAS in consumer products to turn off the tap on the PFAS contamination of our bodies and environment.

“Finalize a product-chemical profile to support regulating PFAS-containing artificial turf in the second half of FY 2024-25, and will investigate floor polishes and waxes for potential regulation.”

Status Reported by DTSC: Partially Complete

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.

DTSC has strategically chosen to pause the regulatory process for artificial turf containing PFAS. In response to questions from the Board, DTSC clarified that the Synthetic Turf Council, a trade association representing U.S. artificial turf manufacturers, stated that their member manufacturers were proactively engaging with their component and raw material suppliers to ensure that none of their products contain PFAS-based ingredients, including polymeric PFAS processing aids.

DTSC's goal is to shift markets away from hazardous chemicals, and if that shift occurs prior to regulation, it is considered a positive outcome. To verify that a pre-regulatory market shift has occurred, DTSC will gather additional information from manufacturers and conduct product testing. If DTSC finds that artificial turf continues to contain intentionally added PFAS, DTSC may move towards regulating this product-chemical combination. The Board commends DTSC for its strategic approach to engaging industry on specific product-chemical profiles.

DTSC is also investigating floor polishes and waxes containing PFAS for potential listing as a Priority Product. PFAS are added to these products to help them spread evenly on surfaces, and their use in floor polishes and waxes can contribute to adverse public health and environmental impacts. DTSC plans to release a draft Priority Product Profile and hold a pre-regulatory workshop to address their findings.

Sub-deliverable 4.4.3 Zinc in tires.

"Initiate rulemaking to add motor vehicles containing zinc to the Priority Product list during the second half of FY 2024/2025."

Status Reported by DTSC: Partially Complete.

BES Evaluation: Rulemaking to add motor vehicles containing zinc to the Priority Product list is on hold pending evaluation of options. As zinc is a critical component in motor vehicle tires (used in the vulcanization process for rubber) with no clear safer alternative chemistries, DTSC and industry will need to find innovative ways to address ecological harm resulting from zinc in tire wear particles.

BES Recommendation: The Board invites DTSC to provide a more detailed update on this sub-deliverable at a 2026 Board Meeting.

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 compounds (QACs). QACs are a class of chemicals that are widely used in personal care and cleaning products that can be toxic to aquatic organisms.”

Status Reported by DTSC: Partially Complete

BES Evaluation: Evidence of increasing human exposure to QACs and emerging information about the toxicity of some QACs prompted DTSC to evaluate the uses and hazardous traits in cleaning and beauty, personal care, and hygiene products. DTSC identified 263 unique QACs used in 19,460 products from 78 product categories.

In December of 2024, DTSC released a [Background Document on Quaternary Ammonium Compounds in Cleaning Products and Beauty, Personal Care, and Hygiene Products](#) and hosted a virtual public workshop in January of 2025.

DTSC set an internal goal to finalize a technical document that supports regulating one or more consumer products containing QACs. SCP is examining two product chemical profiles for products with QACs but will not be able to finalize the profiles until Spring 2026 at the earliest. This is due in large part to the unexpected length of time required for research because of the lack of standardized terminology associated with QAC chemicals and the larger-than-expected number of QACs (over 250) used across 78 personal care and cleaning product subcategories.

BES Recommendation: The Board welcomes a discussion in the first half of 2026 on how to accelerate the SCP process, including in the context of ongoing discussions regarding performance metrics for SCP, and whether the Board can be useful in this regard.

Priority 5 - Attain Fiscal Stability

Director’s Overview of Priority 5:

“Despite the changes to DTSC’s fee structure in 2021, the department is still facing a significant Generation and Handling Fee revenue shortfall. Lower revenue compromises the department’s ability to deliver on the promises of fiscal reform. DTSC will implement a series of changes authorized in the 2024-25 budget that are designed to improve fee administration and oversight, address the root causes of the shortfall, improve revenue forecasting in support of the Board’s fee-setting responsibilities, and increase revenue. In combination, the improvements authorized in the budget are projected to result in total Generation and Handling Fee revenues of \$67 million in FY 2024-25. Utilizing the emergency regulatory authority

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.

“Establish an exemption review process, which will better enable DTSC to ensure that statutory exemptions are applied consistently and appropriately in the future.”

Status Reported by DTSC: Complete

BES Evaluation: In January 2025, DTSC adopted the [Generation and Handling Fee Requirements](#) under Assembly Bill 156 (2024), which narrowed statutory exemptions and provided DTSC the authority to review Generation and Handling (G&H) Fee exemptions claimed by individual fee payers in the annual Electronic Verification Questionnaire (eVQ). In 2025, DTSC focused on the fee exemption review process and selected initial cases, with ten exemption reviews for the first year and additional reviews in subsequent cycles. Exemption reviews and related data reconciliation with California Department of Tax and Fee Administration (CDTFA) will occur in 2026.

While it is too early to assess impact on collection rates, DTSC has laid the regulatory and procedural foundation for more accurate exemption reporting and compliance oversight. Full analysis and reconciliation of exemptions will occur after fee returns are filed in early 2026, with completion expected in mid-2026.

BES Recommendation:

- Develop a communication plan to provide periodic public/BES updates on exemption review outcomes, lessons learned, and any needed legislative or regulatory refinements.
- Consider earlier data analysis to identify exemption misuse trends before fee returns are filed.

Director’s Deliverable 5.2 Electronic Verification Questionnaire (eVQ) improvements.

“Implement additional improvements to the eVQ to provide DTSC with additional data that will facilitate fee oversight and ensure fee payer compliance.”

Status Reported by DTSC: Complete

BES Evaluation: DTSC implemented regulatory changes in January 2025, introducing penalties for late or inaccurate eVQ reporting, effective for the 2026 reporting cycle. Enhancements to the eVQ system, planned for implementation in the first quarter of 2026, should improve data completeness, support enforcement actions, and allow better data alignment between eVQ, Hazardous Waste Tracking System

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

BES Recommendation:

- Conduct a reconciliation assessment comparing revenues estimated based on eVQ data with the revenue collection data provided by CDTFA to identify actions DTSC and CDTFA can collectively take to increase collection rates, including improvements in eVQ data (such as communications with fee payer community, institution of penalties, etc.).
- Prioritize actions to harmonize hazardous waste generation data across multiple sources (tonnage expected to be generated logged in eVQ versus reported through HWTS) to ensure that all hazardous waste generated is appropriately accounted for in fee structure assessment. For example, prioritize ensuring those using temporary EPA IDs are properly tracked so that fees are appropriately collected.
- Provide periodic updates to BES after the 2026 launch detailing system performance, user feedback, and any needed adjustments to enhance functionality and ease of use.

Director’s Deliverable 5.3 Improve Generator Reporting Accuracy.

“Conduct outreach to generators that will clarify reporting requirements and fee obligations; Establish a penalty assessment process for when generators fail to report required waste information to DTSC. This process will incentivize generators to provide complete and accurate hazardous waste information to DTSC, which will support improved fee oversight.”

Status Reported by DTSC: Complete

BES Evaluation: DTSC implemented verification requirements within eVQ, began selecting exemptions for review, and is planning targeted outreach to clarify reporting and fee obligations. DTSC advanced measures to enhance data reliability, including verification requirements within eVQ and plans for systematic reconciliation of eVQ, HWTS, and CDTFA fee return data starting Spring 2026. CDTFA’s audits (80-100 audits per year) and joint data-sharing initiatives have already contributed to an estimated collection rate increase to 85%, up from the historical 70–80% range. These efforts are designed to incentivize behavior change through outreach, verification, and enforcement.

BES Recommendation:

- Establish a framework to enhance enforcement resources to sustain and expand audit and reconciliation efforts with CDTFA.

- 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.