



**\*\*FLOOR ALERT\*\***

**SB 774 (LEYVA) – HAZARDOUS SUBSTANCES: CALIFORNIA TOXIC SUBSTANCES BOARD  
OPPOSE/JOB KILLER: WE RESPECTFULLY URGE YOUR “NO” VOTE**

The California Chamber of Commerce and the organizations listed above **respectfully urge your “no” vote** on **SB 774 (Leyva)**, which CalChamber has designated as a **JOB KILLER** based on the September 8, 2017 amendments. **SB 774** would establish the California Toxic Substances Board (CTSB) within the Department of Toxic Substances Control (DTSC), and is opposed for the following reasons:

- **Kills jobs by providing a blank check to DTSC** and requiring it to adopt a new fee schedule by January 1, 2019 “at a rate sufficient to reimburse the department’s costs to implement” its statutory requirements. This will result in significant new and additional costs being imposed on permittees as evidenced by the existing structural deficits in both the Hazardous Waste Control Account and the Toxic Substances Control Account (see Assembly Appropriations Committee’s analysis) - which are the two primary sources of funding for DTSC – and the estimated \$3 million annually plus the significant yet unknown one-time costs relating to SB 774.
- **Creates an additional bureaucratic layer** that will not promote efficient and effective permitting or site cleanup. The authority, duties and powers vested in the CTSB make clear that it is not just an “oversight board.” The new “collaboration” requirement in the amendments will have no practical effect other than to drive up costs that will be passed through to permittees.
- **SB 774 is a premature response** in advance of the Independent Review Panel’s (IRP) sunset on January 1, 2018, and fails to consider the numerous programs/strategies being implemented by DTSC in response to stakeholder concerns (the progress and effectiveness of which will be considered by the IRP in its final report to the Legislature).
- **Bypasses public participation and input** by allowing DTSC to adopt future fee schedules as “emergency” regulations when such regulations will have significant impacts on permittees’ ability to continue to provide vital services to California communities.
- **Creates significant uncertainty by giving the CTSB the power to disregard the administrative record** and allowing it to impose conditions on hazardous waste permits and require various actions relating to site cleanup following a single hearing, and stating the director “shall comply” with such directives.
- **The CTSB can divert resources to tasks within its purview to the detriment of other important programs** because it is tasked with setting an “annual agenda for the department’s priorities and work plans for the current year” and may direct the director to use staff as the CTSB sees fit.
- **Myriad of other concerns** including the meaning of “serious violation,” transition time and impact on existing permit applications, the authority of subcommittees, and inclusion of members on the CTSB with no experience in specific areas within the board’s purview.

As long as California has consumers and businesses, California will need to manage and dispose of the hazardous waste generated within California. Killing these jobs will result in the hazardous waste being sent out of state, where the waste would be treated as *garbage* and thus subject to few if any environmental protections, contrary to California’s goals. Please vote “NO.”