

From: Rohlfes, Larry@DTSC
To: [Gideon Kracov \(gideon.kracov@dtsc.ca.gov\)](mailto:gideon.kracov@dtsc.ca.gov); [Mike Vizzier \(Mike.Vizzier@dtsc.ca.gov\)](mailto:Mike.Vizzier@dtsc.ca.gov); [Arezo Campbell \(Arezo.Campbell@dtsc.ca.gov\)](mailto:Arezo.Campbell@dtsc.ca.gov)
Cc: [Singh, Mike@DTSC](mailto:Singh.Mike@DTSC); [Hardy, Terri@DTSC](mailto:Hardy.Terri@DTSC)
Subject: FW: CAG Question
Date: Friday, September 30, 2016 4:11:00 PM

Hello Panel Members,

This message from Terri Hardy, DTSC's special assistant for program review, explains why the department no longer uses the Community Advisory Group (CAG) Handbook, which I sent you earlier this week and posted on the IRP website with the October 14, 2016 meeting materials.

While the publication may be useful for the IRP's discussions about possible recommendations on DTSC public outreach or for historical purposes, it should be understood that it no longer would be provided as a resource for new CAGs.

LARRY

Larry Rohlfes
DTSC Independent Review Panel
CalEPA Headquarters
1001 I Street
Sacramento, CA 95814-2828
(916) 327-4493
Legislation/MS 22C

From: Hardy, Terri@DTSC
Sent: Friday, September 30, 2016 2:57 PM
To: Rohlfes, Larry@DTSC <Larry.Rohlfes@dtsc.ca.gov>
Subject: RE: CAG Question

DTSC is aware of the provision in the DTSC Handbook that suggests DTSC has the authority to ensure that the CAG membership retains the necessary stakeholder diversity. Regrettably, there are many provisions in the Handbook, such as the requirement to ensure diversity, that are not supported by any statutory authority given to DTSC by the Legislature. DTSC's only statutory obligation with respect to a CAG is the duty to assist in the establishment of a CAG when a qualified petition is received. DTSC is also required to communicate and confer with the CAG and may participate in CAG meetings to provide information and technical expertise. DTSC simply has no statutory authority to ensure that the CAG membership retains the necessary stakeholder diversity.

After a careful review of the Handbook, DTSC determined that many of the provisions in the Handbook constitute "underground regulations" in that they are rules of general application that interpret the law without being adopted through the Administrative Procedures Act (APA). As a result of this determination, DTSC removed the Handbook from its website.

From: Rohlfes, Larry@DTSC
Sent: Friday, September 30, 2016 12:12 PM
To: Hardy, Terri@DTSC
Subject: CAG Question

Terri,

The DTSC CAG Handbook says on page 11 that “DTSC is responsible for ensuring that CAG membership retains the necessary stakeholder diversity as stated in the Health and Safety Code.”

Do you know where this authority comes from?

LARRY

Larry Rohlfes
DTSC Independent Review Panel
CalEPA Headquarters
1001 I Street
Sacramento, CA 95814-2828
(916) 327-4493
Legislation/MS 22C