



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

2008 ANNUAL REPORT ENFORCEMENT AND EMERGENCY RESPONSE



ABOUT THIS REPORT

**ENFORCEMENT AND EMERGENCY RESPONSE AT
THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
IS ALL ABOUT PEOPLE:
THE DEDICATED PEOPLE AT THE DEPARTMENT
AND THE PEOPLE IN CALIFORNIA WHO ARE KEPT SAFE
FROM TOXIC DANGERS BECAUSE OF
THE WORK OF DTSC ENFORCEMENT AND EMERGENCY RESPONSE**

**MISSION STATEMENT
THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL
PROVIDE THE HIGHEST LEVEL OF SAFETY, AND PROTECT PUBLIC
HEALTH AND THE ENVIRONMENT FROM TOXIC HARM**



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Message from the Director



Maziar Movassaghi,
Acting Director,
Department of Toxic
Substances Control

DEPARTMENT EMBRACES
COMMUNITY-BASED ENVIRONMENTAL WORK

In 2009, the Department of Toxic Substances Control marks its 35th anniversary. For many of these 35 years, the Department focused on traditional approaches to environmental enforcement in the state — government coming in to locations to check and enforce environmental laws and regulations and mostly doing its work without regular input and feedback from residents and communities.

This wasn't a wrong approach; it reflected early attempts to address environmental damage in California at a time when environmental consciousness and environmental law were still in their formative years. But today, Californians have advanced in their environmental thinking and have clear thoughts and expectations about government's role in environmental enforcement. Environmental justice communities, in particular, want action — not in five years, but now — and they want transparency and regular communication about what's being done to keep them safe from toxic dangers.

DTSC Enforcement and Emergency Response is addressing these issues through its Environmental Justice Enforcement Initiative, which launched in 2007. As you will see in this report, enforcement's work with environmental justice communities is being warmly welcomed and is expanding. In fact, environmental justice is being integrated into the work and performance measures throughout DTSC.

I have seen how energized and invigorated DTSC staff members are after they spend time with state residents and learn about their concerns. Staff have renewed vigor in their jobs and are able to see the direct connection between their efforts and people who need help. At DTSC, we believe the next 35 years promise a new era in environmental protection and most especially in environmental justice.



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Page intentionally left blank



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
What's Inside This Report

Perspective From The 2008 Director	6
Enforcement By The Numbers.....	8
Environmental Justice Is Key To DTSC Enforcement	10
Environmental Justice In Imperial County.....	14
Environmental Justice In Wilmington	18
Environmental Justice In Fresno County	20
Environmental Justice Message From The Deputy Director	22
DTSC Joins In New Technology Project.....	24
'Twas Christmas, And DTSC Was Testing Toys For Lead	25
New Audit Group Checks E-Waste Payments	26
Scientist 'Bags' Toxic Shopping Bag Case	27
Message About Children and Toxic Dangers.....	28
Staff On Call 24/7 for Toxic Emergencies.....	30
DTSC At Work At The U.S.-Mexico Border.....	32
Weird Experiences Are Part of the Enforcement Job	33
Women Are Majority of DTSC Criminal Investigators	34
Message About Changes In Environmental Enforcement	35
Contact Us.....	37



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Perspective from the 2008 Director



Maureen Gorsen,
Director,
Department of Toxic
Substances Control,
2008

DEPARTMENT SAFEGUARDS RESIDENTS AND ENVIRONMENT FROM HAZARDOUS WASTE

Have you ever traveled to Yosemite National Park? I bet you don't remember the area like Antonia Becker does. A Senior Hazardous Substances Scientist in Enforcement and Emergency Response at the Department of Toxic Substances Control, Antonia felt shock and creeping fear when she was just doing her job near the park, making sure no hazardous waste was being dumped in the picturesque area she was inspecting. What she found was unstable explosive material on a rural site not far from Yosemite. A bomb squad was called to remove the explosives, and a major roadway nearby that led to Yosemite was closed to protect tourists while the area was cleared. Thank goodness Antonia was on the job!

You've seen big garbage dumpsters, right? I bet you haven't been up close and personal with them the way Enrique Baeza, Supervising Criminal Investigator I in DTSC's Enforcement program, has. Checking on the illegal handling of hazardous waste in Northern California, Enrique had to suit up in protective gear to shovel and sift through 7-foot-high piles of cans, jugs and other items that created a concoction of hazardous chemicals. Amid the dangerous brew and sick mix of smells, he took pictures and documented what he found — 9.8 tons of hazardous waste that had been illegally disposed of in California's landfills. Thank goodness Enrique was on the job!

Have you driven on a California highway lately? Chances are your car shared the road with a truck carrying hazardous waste. You might not have noticed the vehicle, but Alfredo Rios surely does. As a DTSC Supervising Hazardous Substances Scientist I, he inspects trucks carrying hazardous waste from the maquiladoras in Mexico into California every week. Not many people know that the law requires

More →



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Perspective from the 2008 Director

DEPARTMENT SAFEGUARDS RESIDENTS
AND ENVIRONMENT FROM HAZARDOUS WASTE

Continued from previous page

U.S. companies to return the waste from their Mexican plants to the United States. Alfredo remembers detaining one semi at the California-Mexico border because he thought he saw a whiff of smoke. Sure enough, when the trailer door opened, Alfredo discovered a smoldering fire. Had the unaware truck driver gotten on the road in California, the truck could have spread hazardous chemicals into the air and become a road hazard to drivers. Thank goodness Alfredo was on the job!

The people in DTSC Enforcement and Emergency Response do the work that the rest of us in the state don't think about. They make sure the proper procedures and laws are followed by those who handle and transport hazardous waste. It is a big job, given that every year another 2.5 million tons of hazardous waste are generated in our state and have to be managed safely. These tons of waste can't just be hauled anywhere, dumped anywhere or left out on the ground, unlabeled and unsecured.

I wish I could say that all hazardous waste in our state is carefully managed according to environmental laws and regulations. But the experiences of the dedicated employees in DTSC's Enforcement and Emergency Response show there is still much work to do in protecting our environment and enforcing our laws. The reasons for non-compliance vary. Sometimes, workers handling the hazardous waste are ignorant of the law. Many times, it's just easier and cheaper for people and companies to skirt environmental regulations and try to get away with it. But we all pay the price in human health risks and poisoned environment — now or later.

There are only 150 people in DTSC Enforcement; they are the "green line in the sand" on environmental compliance. Every day, they go into potentially unsafe situations to see what's going on with substances that can cause cancer, contaminate the environment for decades and/or sicken children. It isn't glamorous; sometimes, it's downright dangerous. We should all be thankful they're on the job!



DEPARTMENT OF TOXIC SUBSTANCES CONTROL Enforcement Statistics

BY THE NUMBERS: DTSC ENFORCEMENT AND EMERGENCY RESPONSE

Enforcement and Emergency Response is responsible for enforcing DTSC's regulatory authority over hazardous waste in the state. Primary work includes inspections and monitoring, compliance assistance and training, emergency response and assistance, and investigations.

2,500,000	Tons of hazardous waste known to be generated in California in 2008	
415,000+	Transportation documents/manifests used in California in 2008 for legal transport of hazardous waste	
1,740	Permitted facilities/businesses over which DTSC has regulatory oversight	
950	Registered transporters in California for hauling hazardous waste	
532	DTSC core work inspections conducted in 2008	
343	Cases initiated in 2008 by DTSC Office of Criminal Investigations	
257	Cases completed in 2008 by DTSC Office of Criminal Investigations	
150	Enforcement and Emergency Response employees in DTSC	
2	California counties for which DTSC serves as the Certified Unified Program Agency (CUPA) — Trinity and Imperial	



DEPARTMENT OF TOXIC SUBSTANCES CONTROL Enforcement Statistics

BY THE NUMBERS: DTSC ENFORCEMENT AND EMERGENCY RESPONSE

3,445,634 Total settlement dollars in 2008 from DTSC Enforcement cases

1,100,000+ Population in environmental justice communities working with DTSC's EJ Enforcement Initiative through 2008

1,000 Collectors of electronic waste (e-waste) in California in 2008

240 Hazardous waste facilities in California in 2008 that were required to maintain certain insurance/funds for potential cleanup issues

162 California facilities with hazardous waste permits under federal RCRA or state laws

159 Meetings of task forces attended by DTSC criminal investigators in 2008 (average of 3 per week)

89 Arrests made by staff of DTSC Office of Criminal Investigations in 2008, marking third straight year of increase in arrests

39 Used oil facilities in the state in 2008

21 Citations issued by Office of Criminal Investigations in 2008

19 Cases where DTSC criminal investigators provided technical assistance to prosecutors in 2008





DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Environmental Justice

ON FOOT AND ON BUSES, DTSC ENFORCEMENT
SEEKS ENVIRONMENTAL JUSTICE CONCERNS



DTSC Enforcement and Emergency Response staff help provide bus tours so residents can point out environmental harms in the state. Together, government and residents prioritize issues and develop action plans. Above, far right, Jose Luis Olmedo Velez, executive director of Comité Cívico del Valle in Imperial County, discusses environmental problems in his area.



Jesse Marquez, founder of Citizens for a Safe Environment, right, talks about his community of Wilmington. Residents share neighborhoods with refineries, oil fields, auto dismantlers and other industries.



Communities Join DTSC Enforcement To ‘Spot, Squish’ Environmental Harms

Community Policing For The Environment Is Innovative Approach

Cynthia Babich’s dark brown eyes filled with tears as she told state and local regulators at a workshop in June 2008, “You don’t know what it’s like to take a shower every day and have to search for whether you have a lump in your breast.”

Cynthia, who unknowingly moved into a neighborhood built atop a toxic waste site in Los Angeles County, had not planned to share her worst fears with people she mostly considered do-nothing bureaucrats. And, frankly, government officials weren’t eager to be put on the spot.

But through the Environmental Justice (EJ) Enforcement Initiative of the Department of Toxic Substances Control, California is showing that both sides can work together when the environment and public health are at stake.

California has the highest concentration of minorities living near hazardous waste facilities in the U.S.

Indeed, in a novel adaptation of community-oriented policing, DTSC’s Enforcement and Emergency Response Program enlists residents of low-income and often minority communities suffering environmental damage to serve as government’s eyes and ears in combating polluters and enforcing environmental laws.

In the process, the Initiative is tackling society’s longstanding tolerance of environmental damage and public health threats in low-



Mary Curry of Concerned Citizens of West Fresno, left, and Gloria Ponce Rodriguez of Fresno West Coalition for Economic Development describe neighborhood complaints about an area meat rendering plant.

income, minority-dominated communities. (A little-known fact: California has the highest concentration of minorities living near hazardous waste facilities in the country.)

The Initiative works by connecting people who live closest to the environmental problems to the regulators in California’s complex environmental enforcement structure (toxic waste department, water boards, air quality organizations, etc.). Residents, activists and government join for day-long bus tours of local sites that are suspected of environmental and health dangers. All sites are selected by community people, and they present the problems and issues. At workshops held immediately after the tours, everyone works together to

More →



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Environmental Justice

EJ Communities Set Bus Tour Routes

Continued from previous page

set strategy and priorities for enforcement efforts in true democratic style.

Instead of disappearing — which is something many EJ communities say government officials tend to do — DTSC enforcement staff return within 100 days to report on inspections and other activities and work with communities on further action plans. This sets the foundation for a partnership of sharing information and “spotting and squishing” environmental problems on an ongoing basis with community help.

The “spot and squish” mantra is a favorite of Gale Filter, DTSC Deputy Director for Enforcement and Emergency Response, who welcomed participants at all 14 of the Department’s EJ events, including bus tours, workshops and followup gatherings, through calendar 2008.

“Our focus is to hear from the people who live in these communities,” Gale said. “We



From left, K.C. Ting, DTSC Research Scientist Supervisor I, talks with Ann Rolon of the Madera County CUPA, Feleena Sutton of Operation Clean Air and Yammilette Rodriguez of the Latino Issues Forum at the October 2008 Fresno County EJ workshop.

DTSC EJ Tour Locations Through 2008 And Proposed For 2009



Legend: Green — 2007-2008 Locations
Dark Blue — 2009 Proposed

don’t put boundaries on what they want to show us. It’s up to environmental justice communities to show us environmental harms that affect their daily lives and that are important to them.”

While DTSC’s role in environmental enforcement in the state centers on the tons of hazardous waste generated annually and how it’s managed, handled and transported, the department invites a variety of government organizations to its EJ events to join in, provide information and help with community issues that they have authority over. In this way, DTSC also serves as a facilitator and resource.



Critical Lessons: Reach Out, Listen And Don't Make Communities Wait For Action

Three facts emerge at every DTSC environmental justice tour:

1) California residents have no shortage of environmental concerns, and they often don't know where to find help.

2) Every problem that communities bring to the environmental justice tours ties in with a concern over public health and well-being.

3) The issues aren't all the same. They vary by community, and are not necessarily what government regulators expect to hear.

These facts, plus the experiences of DTSC Enforcement and Emergency Response staff at EJ events and helpful insight by EJ groups have helped shape the goals and activities for the Department's Environmental Justice Enforcement Initiative.



Environmental concerns vary by community. For example, many California cars wind up in Pacoima in the Los Angeles County, where auto dismantling businesses like the one above line streets. Neighbors want dismantlers to manage hazardous waste, including used oil and lead batteries, properly.

<i>DTSC's Five Steps</i>
<i>Engage community residents and groups, particularly those who feel ignored, stymied by government</i>
<i>Learn community perspective by listening, encouraging sharing by residents</i>
<i>Establish relationships, build public trust</i>
<i>Serve as facilitator and resource as residents and groups prioritize environmental harms</i>
<i>Within 100 days, provide update on activities and inspections; continue dialogue and information-sharing to develop ongoing environmental task forces</i>

COMMUNITY	POPULATION	EXAMPLES OF ENVIRONMENTAL CONCERNS
PACOIMA	90,000	Environmental Practices of Auto Dismantlers
WILMINGTON	53,300	What's Causing the Rising Rates of Illness?
IMPERIAL COUNTY	162,000	Illegal Dumping, Exposure to Chemicals
FRESNO COUNTY	899,300	Neighborhood Lead Exposure, Abandoned Factory Site



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Environmental Justice

MARCH 17, 2008: IMPERIAL COUNTY TOUR, WORKSHOP



Imperial County is known for its hot weather and fertile farm fields. But residents like Miguel Figueroa, left, and Monique Lopez, far left, have environmental justice concerns that include water pollution, illegal dumping, pesticide exposure, and rising rates of respiratory ailments. The county is the poorest in the state, according to the Franchise Tax Board.





DTSC Enforcement Staff Explore EJ Needs In State Agricultural Area

Environmental Harms Bus Tour Leads To Unique Partnership

As a boy growing up in the Los Angeles area, Ryan Atencio was at his grandmother's house when "men in moonsuits," as Ryan called them at the time, came to the neighborhood one day.

They told Ryan and his grandmother to stay in the house. The men in protective suits did some mysterious cleanup in a riverbed and never told residents why they were there, what kind of contamination they cleaned up or what they found. They departed without a word.

Ryan's grandmother was left to figure out herself, as best she could, what to do. She told her grandson to stay inside as she hosed down her house, fearing that toxic chemicals might be on it. But she worried that she didn't know if she needed to wash her car or what else she should do.

The sight of "men in moonsuits" in a boyhood neighborhood is a vivid memory for DTSC's lead person for environmental justice in Imperial County.

Ryan hasn't forgotten that day. Now a father of two youngsters and a Hazardous Substances Scientist in Enforcement and Emergency Response at the Department of Toxic Substances Control office in Calexico who sometimes dons a protective suit and respirator at toxic waste sites, Ryan works to ensure other children and families don't have the same scary experience he did.

In fact, Ryan, who joined DTSC in 2001,



DTSC Hazardous Substances Scientist Ryan Atencio explains to a U.S. Customs and Border Protection agent in 2008 why DTSC is taking a busload of people on a tour in Imperial County, near the Mexico border.

is the lead person in DTSC's Environmental Justice Enforcement Initiative in Imperial County. In late 2007 and early 2008, Ryan started contacting nearly ten EJ groups in the county, where median per capita income is just over \$15,000. He met with them and asked about environmental concerns. Together, they sorted out sites that they wanted regulators and other government officials to see during a daylong, first-ever-in-Imperial-County environmental justice bus tour. Community leaders also agreed to give presentations at each location about suspected environmental problems.

By the morning of March 17, 2008, Ryan had a busload of government and community people from Sacramento, southern California and Imperial County traveling to 16 sites. Miguel Figueroa of the Calexico New River Committee showed the group the New River which flows from Mexico

More →



Community Groups, Professor Help DTSC’s Imperial County EJ Work

Continued from previous page

into California at Calexico. With more than 100 contaminants reported in its waters, the New River is known as the most polluted river of its size in the United States.

Everyone stared at the dirty foam and debris riding by on the water’s surface. Someone from DTSC noticed the riverbank looked like it had recently been cleared and graded and asked where the soil and debris from the river area are disposed of. Miguel said residents didn’t know where it goes. For Ryan, this was the start of a yearlong investigation into the handling and transport of potential hazardous waste.

The day warmed and the bus air conditioner stopped working. But the bus rolled on, stopping by several acres of vacant land that had become a dump site for metal barrels, tires, cans and other garbage. Ryan took note, and later worked with Certified Unified Program Agency (CUPA) staff to track down the landowner, who not only cleaned up the garbage, but graded the site within a few weeks of the bus tour. (DTSC is the CUPA for Imperial County and thus takes

**Illegal Dump Site Before
And After Imperial Bus Tour**



The Community Knew

- ➡ **On the bus tour, environmental justice community tells DTSC about suspicions of chemicals left behind at a defunct facility**
- ➡ **Community sets the facility, which is near a school, as a top priority for government enforcement action**
- ➡ **DTSC staff inspect site, take 15 samples**
- ➡ **Laboratory tests show presence of DDT, a banned pesticide, in samples from the site**
- ➡ **DTSC secures area, writes 9 violations for the facility, orders cleanup**
- ➡ **DTSC reports results to the community**

on some duties that in other counties are handled by local CUPA organizations, not a state entity.)

Community residents also were concerned about two industrial sites as well as air quality issues and defunct facilities left abandoned. Kim Collins, Assistant Professor in Public Administration at San Diego State University-Imperial Valley, hosted the evening workshop on campus.

More ➡



Tip From Residents Leads To DDT Find Near School

Continued from previous page

She's director of the California Center for Border and Regional Economic Studies at the university and has at her fingertips a wealth of data about California's border area.

The workshop gave everyone a chance to talk about the day and help set initial priorities, which wound up being the illegal dump site, a defunct facility and an industrial business.

Within weeks, the dump site was cleaned up. Meantime, DTSC enforcement staff visited the defunct facility that was near an elementary school and took 15 samples for laboratory analysis. By May, the results showed what one of the EJ leaders had predicted — toxic chemicals. Indeed, tests indicated that one of the chemicals on the ground was Dichloro-Diphenyl-Trichloroethane (DDT), an agricultural pesticide that was banned in the United States in 1972.

“I spent the first 30 years of my life thinking that I lived in a clean environment, never realizing the issues around me.”

—Jose Luis Olmedo Velez

Ryan immediately secured the area and posted warnings. He wrote nine violations for the facility and told Jose Luis Olmedo Velez, the man who had alerted the Department to the possibility of dangerous chemicals at the site.

Executive Director of Comité Cívico del Valle, Luis knows about agricultural chemicals. At age 7, he started helping his father in California farm fields. “I was so used to seeing pesticide spraying and (agricultural) burning, (and) I grew up playing right next to the New River,” Luis said. “I never knew the amount of toxicity that



Three people who are key to the DTSC environmental justice efforts in Imperial County share a lighthearted moment in downtown Calexico.

From left are Kim Collins, Assistant Professor at the San Diego State University-Imperial Valley campus, DTSC Hazardous Substances Scientist Ryan Atencio and Jose Luis Olmedo Velez, Executive Director of Comité Cívico del Valle.

was in that water. I spent the first 30 years of my life thinking that I lived in a clean environment, never realizing the issues around me. There is so much that I have learned since.”

On May 29, 2008, — less than 100 days after the bus tour — Ryan, other DTSC staff and government officials, Kim and the EJ groups met for the second Imperial County workshop. Ryan reported what had happened since they last met.

There was some good news. Laboratory testing of samples taken at one facility that the community had worried about showed hazardous substances were not above the regulatory threshold. By Sept. 25, 2008, when the third get-together was held, it was time for the group to add new environmental enforcement priorities to replace ones that were already being addressed.

Kim, Luis and Ryan agree they all have learned a lot. Luis knows more about enforcement than ever, Kim sees more challenges than ever and Ryan finds he is developing new people skills.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Environmental Justice

JUNE 23-24, 2008: WILMINGTON EJ TOUR, WORKSHOP



Wilmington is only 20 miles from downtown Los Angeles, but bus tour participants learned that it can feel like it's a world away. Neighborhoods are next to industry and the busy Port of Los Angeles. LA City Attorney Rocky Delgadillo and Assistant LA City Attorney Patricia Bilgin, far left, listen to Jesus Torres of Communities for a Better Environment. The picture above shows uncovered piles of sulfur.



Diesel Semitrailers Nearly Surround EJ Bus During Tour of Wilmington

Asthma Rates, Cancer Are Major Worries

You've never really seen Los Angeles County until you've toured the county's community of Wilmington with Jesse Marquez.

Executive Director of the Coalition for a Safe Environment in Wilmington, Jesse's presentation about sites on the DTSC environmental bus tour in his area was nearly non-stop. There was simply so much to tell about residents' environmental concerns and so many sites in proximity to each other and close to residents' homes.

Wilmington abuts the Port of Los Angeles, and at one point, the EJ bus was nearly surrounded by diesel-powered semitrailers that were using streets for both travel and queuing up for entry to an asphalt plant. The plant is close to a school.

Later, a college student told bus riders she has been unable to get answers from government about flaring, or the burning off of gases



DTSC's mobile lab was at Wilmington's environmental justice workshop so attendees could learn about toxic substances in their environment. Above, far left, DTSC Deputy Director Gale Filter talks with Cynthia Babich of the Del Amo Action Committee. At far right is Felipe Aguirre, mayor of Maywood, which is another EJ community in LA County.

Ground-Truthing

Several communities in Southern California have formed groups of residents who are identifying businesses in their communities and gathering data about the potential impacts of the businesses' activities on the environment and public health. This ground-truthing effort includes checking on business licenses and making sure the proper regulatory permits were issued.

Violations of environmental regulations have been found and reported to authorities, including DTSC.

at a facility on a Wilmington residential street. She worries that the release of gases is causing or contributing to residents' health problems.

DTSC Performance Manager Florence Gharibian, who has attended every DTSC Environmental Justice Enforcement Initiative since 2007 and became EJ Coordinator for all of DTSC in early 2009, facilitated the discussion at the Wilmington workshop, which followed the bus tour.

"We have an opportunity here to help a lot of people," she said. "The EJ communities are willing to share with us their stories and tell us what we should work on to make their lives better. They are wonderful partners."



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Environmental Justice

OCTOBER 21-22, 2008: FRESNO COUNTY TOUR, WORKSHOP



A mother, right, described how she worries about children at a nearby elementary school, above, and doesn't want them be exposed to increased air pollution. A power plant was slated to be built down the road from the school.



DTSC Enforcement and Emergency Response staff contacted more than 40 environmental justice groups for help organizing a Fresno County environmental justice bus tour and workshop. Above, participants listen as Mary Curry of Concerned Citizens of West Fresno, standing at the front table, talks to the group about problems in her neighborhood.



First Fresno County EJ Bus Tour Sets Several 'Firsts' Of Its Own

Ignacio Dominguez and Albert Fujitsu accept that people usually aren't happy to see them. It has nothing to do with them personally.

But as Hazardous Substances Scientists in the department's Enforcement group, Ignacio and Albert inspect oil refineries and other facilities in California where hazardous waste is generated or handled. It's their job to ensure environmental laws and regulations are being followed. They also investigate complaints.

Still, Ignacio and Albert didn't know what kind of reception they'd get in 2008 when they began calling environmental justice organizations in the Fresno area to ask for help in organizing the first-ever Fresno County environmental justice bus tour and workshop by DTSC.

"We had to build trust," Ignacio admitted, adding that he and Albert found they needed to visit in person with some skeptical community members who wanted to know if they were truly interested in their problems and really wanted to help.

Among the Attendees:

Latino Issues Forum (co-sponsor)
Fresno Interdenominational Immigrant
Ministry
Concerned Citizens of West Fresno
Fresno West Coalition for Economic
Development
Centro La Familia Advocacy Services
Youth Leadership Institute
San Joaquin Air Pollution Control District
California State University, Fresno
Fresno County Deputy District Attorney
Fresno County Division of
Environmental Health
City of Fresno Planning and Development



Ignacio Dominguez, left, and Albert Fujitsu of DTSC's Clovis office say their environmental justice effort has been "an eye-opening experience." Albert notes the work makes him feel like he's "part of the community."

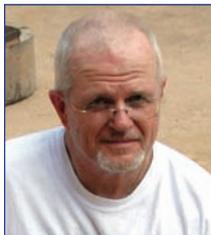
But Ignacio and Albert kept at it, networking with Yammilette Rodriguez, Central Valley Regional Director of the Latino Issues Forum, and reaching out to more EJ groups — 46 — than had been contacted for any previous DTSC bus tour.

In fact, the outreach was so broad that the daylong Fresno bus ride covered nearly 100 miles — more miles than any DTSC tour. The Fresno event also was the first to include representatives of California's Hmong community. Fresno is home to a sizable Hmong population, and many live in older homes containing lead paint. Lead is known to impair brain development in children, and language and culture barriers can make educating immigrants about lead dangers difficult.

Ignacio and Albert now report they are getting calls from other EJ groups, asking when bus tours will come their way. Guess people are happy to see Ignacio and Albert, after all.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL EJ Message from the Deputy Director



Gale Filter,
Deputy Director,
DTSC Enforcement
and Emergency Response

TOUGH TIMES AHEAD

No doubt we are in tough times, but tough times invariably present golden opportunities. This is especially true for environmental enforcement. By any standard, 2008 was a difficult economic year. But it was very good year to learn about the power of collaboration and carry it forward to new opportunities in 2009.

Lisa P. Jackson, new administrator at the U.S. Environmental Protection Agency, states that our President is intent on changing the face of the environmental movement. She has said that a top priority for her will be environmental justice.

At the Department of Toxic Substances Control, our mission is the control and reduction of toxic harms. We have successfully made environmental justice a key element of our enforcement program. In his 2005 book, *Collapse*, UCLA Professor Jared Diamond posits that whether societies succeed or fail at solving environmental problems largely depends on two factors: In this case, communities recognizing environmental problems and then acting to solve them.

By collaborating with environmental justice groups in California, DTSC Enforcement is spotting and addressing toxic harms at the local level. Our Environmental Justice Enforcement Initiative targets low-income and minority communities that need governmental assistance in addressing environmental problems. Communities are asked to select sites for environmental agency personnel to visit. Community people conduct a bus tour wherein state, local and federal environmental agency personnel are taken to the selected sites. A workshop is held immediately after the tour. At the workshop, the community and government personnel work together in prioritizing and creating strategies to solve the environmental problems identified. Government officials return within 100 days to share results of inspections

More →



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
EJ Message from the Deputy Director

TOUGH TIMES AHEAD

Continued from previous page

and further develop action plans. The goal is to establish community environmental task forces that meet every three to four months.

In a growing number of areas, community groups now serve as our eyes and ears for environmental harms. Through this community-oriented policing, enforcement can be a powerful deterrent and catalyst to reduce these harms. It is important that we tell their stories.

The most challenging task of environmental enforcement is “doing” justice. For environmental justice to exist, three things are necessary. First, there must be a minimum of arbitrariness in enforcement. Thus, uniformity and consistency — not only in the enforcement of our environmental laws but also in the process of identifying and prioritizing environmental harms — are essential. Second, adequate methods must be available to rectify environmental injustices. Obviously the environmental justice movement exists because there are environmental injustices. Finally, communities need greater access to our enforcement system and processes. To build public trust in environmental enforcement, our program must be available to all.

For our work in environmental justice and toxic harm reduction to be meaningful, we must take the next step. Each community tour and workshop needs to be responsible for not only identifying the number of environmental harms, but also the number of harms being addressed. What is the action plan for each? We need to track the progress of every environmental harm that we are working to eliminate. We need to know when the environmental harm is squished and how it was squished. What exactly do we mean by squished? What systems have been established for monitoring the environment for new or emerging problems, and what data gathering and analysis will help with this task? These questions and their answers with help shape the next steps.

DTSC’s Enforcement will continue to nurture community-government partnerships in coming years. Collaborating with community groups, academia and key industry organizations is key to recognizing and solving environmental harms.



Department Joins With DELTA Group In New Technology Project

The mission of DTSC is to provide the highest level of safety and to protect public health and the environment from toxic harm. Throughout its 35-year history, DTSC has focused solely on keeping Californians safely away from the dangers of solid and liquid hazardous wastes.

But studies and research now show that people can be exposed to hazardous waste in other ways, too. For example, particulates are known to travel via air emissions and deposit on the ground, sometimes in heavy volumes. If the particulates are hazardous to human health, their deposition can potentially constitute a unique method of hazardous waste dispersion and disposal not unlike that of asbestos.

In years past, there was no widely used equipment that could detail the kinds of particulates depositing on the ground, their risk to human health and their source. But new technology is emerging that provides compelling breakthroughs.

Keenly aware that DTSC must remain abreast of the latest technology that can help keep Californians safe from toxic harm, the Department in 2008 negotiated a multi-year Haz-



Hazardous Substances Scientist Kristen Smeltzer in DTSC's Enforcement and Emergency Response unit reads instructions for the latest high-tech equipment.

ardous Waste Aerosol Deposition Enforcement Project with the DELTA Group at the University of California in Davis.

The DELTA Group is known worldwide for its cutting-edge technical expertise in particulate monitoring, speciation and measurements. The group is headed by its founder, Thomas A. Cahill, who is professor emeritus at the University of California, Davis. Originally in nuclear and atomic physics, Dr. Cahill now specializes in environmental applications of accelerator beams (soft beta rays, ions, polarized X-rays, lasers) in atmospheric physics and chemistry, with an emphasis on long-range transport of aerosols and the health effects of particulates.

With the help of the DELTA Group, the Department looks to be a leader in emerging hazardous waste technology.

Who Is Dr. Thomas A. Cahill?

- **Founded the DELTA Group in 1997 and provides specialized equipment to sites around the world**
- **With UC-Davis scientists, analyzed World Trade Center air after Sept. 9, 2001, and detailed toxic contents and potential impact on rescue workers**
- **Was instrumental in California's adoption of catalytic converter in 1973-76 to reduce pollutants from car exhaust**



'Twas Saturday Before Christmas, And DTSC Was Testing Toys For Lead

Department Responds After Phone Call From EJ Community

It was the last Saturday before Christmas 2008, and Hazardous Substances Scientist Philip "Dan" Lynch wasn't at his house, stirring or otherwise.

Dan gave up his Saturday so he could check children's toys in Pacoima, an environmental justice community in Southern California not far from Burbank.

Dan traveled with a bright orange Hulk Hogan action figure and one of DTSC's X-ray fluorescence (XRF) devices. In the wake of publicity the past two years about lead in toys, jewelry and other items, XRFs are being used around the country to screen items, including toys, for lead content. If ingested in large dosages, lead can impair brain development in youngsters.



A Hulk Hogan action figure tested high for lead.

The first-ever Lead Toy Exchange at Pacoima promised up to two \$25 gift cards for people whose toys tested positive for lead. The money was to pay for safer replacement toys.

The event was sponsored by the Los Angeles City Attorney's office after a \$1.79 million settlement with Mattel Inc. and other toymakers over allegations of lead content in toys.

"The day went well," Dan reported. "Everyone was in good spirits."

Dan scanned some 100 toys — from a Thomas the Train set to various dolls. He found



Parents scoured toy-boxes for toys to be checked for the presence of lead.

Organizers at the Pacoima event gave out \$25 gift cards so toys that tested positive for lead could be replaced.

levels of lead measured by the XRF to range all the way up to 2,233 parts per million. This highest reading was found on the paint of a ceramic plate in a child's dish set. Dan also saw toys where no lead was detected.

He brought his own Hulk Hogan figure to check that the XRF was working. He knew his Hogan had high lead levels. The community group Pacoima Beautiful asked DTSC for use of the XRF machine, and DTSC sent the scientist, too.



DTSC's Dan Lynch worked for most of a day testing toys for lead at a pre-holiday event.



DTSC Auditors Follow Paper Trail To Combat Electronic Waste Fraud

In a government department dominated by scientists, Jeff Mahan stands apart. For one thing, he can eyeball an older model television set and quickly estimate how much money it's likely to garner from California's Electronic Waste Recycling and Reimbursement Account (Fund) once the TV is discarded for recycling.

For another, Jeff is an auditor, not a scientist. But like all employees at the Department of Toxic Substances Control, Jeff works to protect Californians from hazardous waste. He just does it in a different way — by checking to see that consumers' money that's earmarked for handling and recycling of certain discarded electronic devices is well spent.

In fact, Jeff is Chief of DTSC's E-Waste (Electronic Waste) Fraud Unit, which was established in 2008. With three newly hired auditors — Maria Luna, Cynthia Searcy and Roy Yano — Jeff investigates complaints and tips



From left are Roy Yano, Jeff Mahan and Maria Luna of the E-Waste Fraud Unit.

Dangers of Electronic Waste

While consumers only see the plastic outer cases of many electronic devices, these hazardous materials can be part of the components inside:

<i>Lead</i>	<i>Arsenic</i>
<i>Cadmium</i>	<i>Mercury</i>
<i>Beryllium</i>	<i>Chromium</i>

about fraudulent payouts from the state's E-Waste Fund. The money is supposed to go to people and businesses who say they are recycling electronic devices, such as TVs, computer monitors and portable DVD players with cathode ray tubes, that Californians are discarding.

The fund, which has been distributing approximately \$150 million a year, is designed to encourage proper recycling of certain electronic products that often contain hazardous materials, such as lead, and keep them out of the state's household landfills. DTSC is involved because the department has enforcement authority over hazardous waste. But the fund is administered by the California Integrated Waste Management Board, which is paying up to 39 cents a pound for certain electronic products that are correctly recycled. The state's more than 60 authorized recyclers are required to provide documentation that the items were handled properly and transported and received by entities capable of removing toxic contaminants.

So far, the E-Waste Fraud Unit has developed several enforcement cases, but with action still pending, Jeff isn't ready to divulge details. Needless to say, with a surge of old televisions expected to be discarded in 2009 as the nation's television stations transition from analog to digital signals, the workload for Jeff's unit is expected to pick up.



Department Scientist ‘Bags’ Noteworthy Toxic Shopping Bag Case

DTSC Settlement Marks First U.S. Packaging Case With Monetary Penalty

Don't call Jay Cross a bagman, please — just because he doggedly pursued an enforcement case involving alleged toxic bags.

The Hazardous Substances Scientist at the Department of Toxic Substances Control's Enforcement and Emergency Response unit studiously obtained plastic shopping bags from apparel retailer Forever 21 Inc., over several months starting in 2007. Jay wasn't mysteriously drawn to the bright yellow bags. He was following up on a tip about an alleged violation of California's Toxics in Packaging Prevention Act that came from the Toxics in Packaging Clearinghouse based in Brattleboro, Vt. The clearinghouse alerts regulators in many states to packaging that could contain prohibited and potentially toxic substances, including lead and heavy metals.

According to clearinghouse personnel, several shopping bags from Forever 21 had screened high for the presence of heavy metals via an X-ray fluorescence (XRF) analyzer. (Consumers are likely more familiar with the fact that Forever 21's bags created a stir on the Internet in 2006 because the bottom of some bags noted the Biblical verse John 3:16.)

Jay checked on bags at California facilities, and

Hazardous Substances Scientist Jay Cross wanted to make sure that alleged toxic bags didn't continue in circulation in California. In his spare time, he finished law school and passed the California bar. Jay also is a scuba instructor.



At right is one of the bright yellow shopping bags submitted for laboratory analysis by DTSC's Jay Cross.



DTSC's analysis of bags Jay obtained — some from a warehouse — confirmed the presence of certain metals, including lead, above regulatory thresholds. Lead is known to impair brain development in children and in high exposures can lead to death.

The case dragged on, however, as the company failed to respond initially to DTSC communication. Worried about getting the bags out of circulation, Jay stayed with the case to the end.

Forever 21 finally settled in 2008 without admitting violations and paid \$115,000 — \$80,000 of it in penalties. This marked the first toxics in packaging settlement with monetary penalties attached in the United States.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL Message About Children and Toxic Dangers



Robina Suwol,
Founder,
California Safe
Schools

ENFORCEMENT IS KEY TO PROTECTING THE ENVIRONMENT AND OUR CHILDREN

I founded California Safe Schools in 1998 after my 6-year-old son, Nicholas, was accidentally sprayed with pesticides as he walked to his classroom by a Los Angeles Unified School District gardener wearing a hazardous materials suit.

The toxic chemical assault caused Nicholas, a severe asthmatic, to suffer a debilitating asthma attack. As he struggled to breathe that day, my mind reeled with the realization that his school wasn't the safe, healthy place I assumed it to be.

One year later to the day Nicholas became ill, the Los Angeles United School District implemented the most stringent pest-management policy in the nation for schools and the first policy in the United States to embrace the Precautionary Principle and Right to Know. The policy has since become a national and international model for dealing with pest problems, while ensuring the protection of children's health.

However, toxic dangers still exist for children. In Fresno County in 2008, youngsters on a school bus were taken to the hospital after chemicals being sprayed in an agricultural area wafted into their bus. In Oakland, children walk past idling diesel trucks, dirty factories and other industrial sites every day on the way to school. In Santa Ana, parents worry about the number of children in their community who have leukemia. Not to mention, a host of unknown contaminants in our cleaning products and lead and other chemicals in children's toys, jewelry, clothing and shoes persist. Lead exposure can cause irreversible brain development impairment in youngsters.

More —>



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Message About Children and Toxic Dangers

**ENFORCEMENT IS KEY TO PROTECTING
THE ENVIRONMENT AND OUR CHILDREN**

Continued from previous page

According to the U.S. Census Bureau, California has the most elementary school-age children — some 5 million — of any state. We also have the most high school-age children — more than 2 million. All of them, plus millions of preschoolers, rely on adults to protect them and provide a healthy environment. Sadly, we can't protect children today through love and nurturing alone. Parental responsibility and safeguarding our children now requires parents work to limit toxic chemical exposure and dangers resulting from chemical emissions.

It may be as small a matter as promptly reporting to authorities when we see illegal dumping, before children find the dumped material in the vacant lot down the street and get sick from these substances. But it is also our responsibility to report businesses dumping things into the sewer system — chemicals that may eventually flow into a community's drinking water supply. We should report suspicious odors, rather than ignore them, as they might be a sign of something toxic in the area.

You may choose to not be perceived as a “troublemaker,” or worse, look the other way and pretend that nothing bad is happening. Or you may doubt your concerns and assume someone in a position of authority knows what is going on, and all is well. But the truth is, just as I assumed years ago that the school my son attended was a safe environment, you may very well find that your assumptions are incorrect.

So, please, call the hotline at the Department of Toxic Substances Control (DTSC) to report suspected environmental problems. The Department, which is part of the California Environmental Protection Agency, is charged with ensuring safe management of hazardous waste. Best of all, DTSC wants to hear from you at www.dtsc.ca.gov and via a toll-free phone number at 800-72-TOXIC for general questions about hazardous waste. For hazardous waste complaints, call 800-69-TOXIC. If DTSC is unable to handle the complaint, the Department will direct you to someone who can.

Robina Suwol



Former Park Ranger, Now At DTSC, Helps People After Big Sur Fire

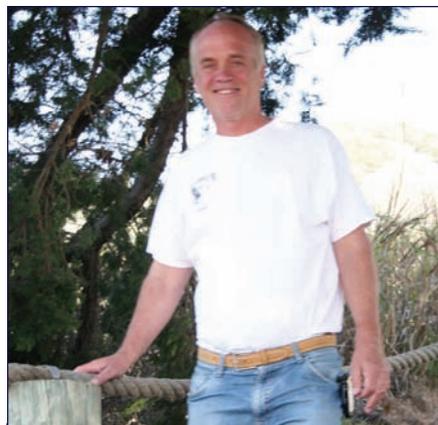
Dave Rasmussen, a Supervising Hazardous Substances Scientist at the Department of Toxic Substances Control, knows a thing or two about special places that are popular with tourists.

Before joining DTSC 21 years ago, Dave was in the National Park Service and gave tours at such landmarks as the Washington Monument in the District of Columbia and at Alcatraz, the former prison island in the San Francisco Bay.

But nothing quite prepared Dave for one of California's big tourism attractions — Big Sur — in July 2008. He, along with Hazardous Substances Scientists Nancy McGee and Michael Pixton, arrived to find more than 500,000 acres of picturesque landscape ravaged by wildfires.

"It was a psychic shock to see the devastation," said Dave, adding DTSC came to the area at the request of local officials who wanted to expedite recovery efforts for homeowners.

More than 50 structures, including 26 homes, were destroyed. DTSC Emergency Response staff came once Monterey



DTSC's Dave Rasmussen arrived in Big Sur as ground and trees were still smoldering following the 2008 wildfires. "In our lifetime, the area will never look the same," he says.

County officials gave the OK, and homeowners also signed approvals giving DTSC access to their property. Staff combed homeowner land to identify hazardous materials — everything from ammunition to asbestos (that before the fire served as insulation in stove pipes) — that needed to be removed with care, lest they endanger the sensitive environment and public health.

"We have contractors who will safely pull out the hazardous waste from each home site, and we work with them to assist homeowners (so they can get started rebuilding)," Dave said.

More →



DTSC staff help secure burned sites for homeowners.



DTSC Helps Secure Burned Property So Homeowners Can Start Rebuilding

Continued from previous page

Post-wildfire areas pose many dangers to people. Dave noted DTSC staff have to pick their way carefully on wildfire projects, because what appears to be regular soil might be just a veneer of soil with a pit of hot ash and other material beneath it.

“You could fall into a spot in the ground that’s 1,200 degrees (Fahrenheit),” he said.

Perhaps not surprising in a remote area like Big Sur, DTSC staff also found homeowners who had relied on solar energy for their household power. “They were off the grid,” Dave said.

This presented different hazardous waste challenges. Typically, the solar energy systems in the area used lead acid batteries for energy storage. After the fires came through, the lead acid batteries became hazardous waste and had to be carefully removed.

“It’s dangerous, you get a few



DTSC’s Nancy McGee examines burned material on a homesite in Big Sur. She was ensuring that hazardous materials like asbestos and ammunition were safely removed from the area after the 2008 wildfires.

drops on your pants and it will eat through your pants in a day,” he said.

All told for 2008, Emergency Response staff removed more than 5 tons of hazardous waste from 265 homes and numerous outbuildings in Butte, Monterey and Mariposa counties after wildfires. The most typical household hazardous wastes included aerosols, paints, waste oils, solvents, gasoline, fertilizers and pressurized tanks containing propane or acetylene.

Emergency Response staff are on call 24/7 for all kinds of emergencies, such as when toxic spills or other releases occur around the state. DTSC also has statutory authority for emergency response when illegal methamphetamine drug manufacturing labs are discovered by authorities. Through 2008, DTSC has been instrumental in cleaning up more than 17,200 illegal drug labs. The labs can contain acetone, sulfuric acid and other contaminants.



DTSC staff assess a homesite for hazardous waste after a 2008 wildfire in Butte County.



Scientist Monitors Hazardous Waste Coming Across Mexico Border

If it's a Friday morning, Alfredo Rios must be at the Mexico-United States border crossing at Calexico. If it's a Tuesday morning, chances are he's at the border crossing at Otay Mesa.

And you better believe that Alfredo, a Supervising Hazardous Substances Scientist I in Enforcement and Emergency Response at DTSC, is on the lookout for anything amiss with the more than two dozen semitrailers coming into California carrying hazardous waste on a typical day.

Factories in Mexico that are owned by U.S. companies are required to ship their waste to the United States.

In fact, Alfredo is the department's lead inspector of trucks at the border, helping to keep California at the forefront of environmental protection. California has required inspection of northbound trucks from Mexico since 2001. The only other state that inspects hazardous waste trucks at the border is Texas.

Born in Los Angeles, Alfredo earned a degree in environmental science, worked as a



"I love this work; for me, I get to protect people and the environment," says Alfredo Rios, who inspects trucks carrying hazardous waste at the border.



DTSC staff check hazardous waste being shipped into California from maquiladoras in Mexico to be sure it's properly contained, labeled and transported. Tijuana, across the border from San Diego, has more than 575 maquiladoras.

field chemist for Safety-Kleen for three years and then put in two years for San Diego County. He joined DTSC's San Diego office when the department began to do the truck inspections itself, rather than contract them out.

Alfredo sees the economic downturn at the border, via "a significant decrease" in the number of truck coming into California.

Alfredo also helped safeguard California drivers when he noticed a hint of white smoke coming from a hazardous waste-carrying truck.

The load was a polishing lint material in the form of a fine powder. Friction created when the material shifted inside the trailer as the truck traveled to the border evidently sparked a slow-burning fire.

By the time Alfredo and border officials evacuated the area at the port and opened the truck's rear doors, the fire was well underway. After the fire was quelled, Alfredo sent the truck back to its origination point in Mexico, rather than on the roads of California.



DTSC Enforcement: You Never Know What Will Happen On The Job

Being a hazardous substances scientist at DTSC sometimes takes a lot of determination.

Roger Vintze, Supervising Hazardous Substances Scientist I, tallied 14 hours of driving in Southern California in summer 2008 as he was forced to repeatedly transport an especially odorous, unidentified chemical sample collected at a business site.

The reason for all the driving: None of the laboratories he visited could open the container and analyze the sample before the stench forced lab workers out of the premises.

Indeed, while Roger served as the sample courier, he made sure to fasten the sample to the outside of his truck to ensure that he wouldn't be affected if the stink leaked out of the container as he drove.

"That was such a pain in the ass," Roger said in his usual unruffled manner.

Hazardous substances scientists at DTSC put themselves in harm's way whenever they're called upon.

Typically, they don't know all that they'll

encounter when they're dispatched to a potentially toxic situation. They can't foresee all that they're getting into and how they might need to improvise to get the job done.

But they get the job done "because they care about the environment and they care about the health and safety of Californians," DTSC Deputy Director Gale Filter said.

"I'm thankful for their work, their expertise and their dedication," Gale said after witnessing the tireless efforts of his staff during a search warrant activity in 2008.

"I can say without reservation that it is a privilege to work with this dedicated group of professionals," he said.

In fact, law enforcement investigators gave department enforcement staff the highest compliment when they told Gale at the end of the search warrant day they would join DTSC Enforcement staff again, "Any time, any place."

"It doesn't get better than that," said Gale, a longtime California prosecutor who joined DTSC in April 2007.

With Gov. Arnold Schwarzenegger's Action Plan for the Environment urging the "tough enforcement of existing (environmental) laws," there is plenty of work for DTSC enforcement staff.

Roger finally received a partial determination of what the stinky chemical sample was that he ferried around. A laboratory reported it contained a food additive for livestock.

It was unclear, though, whether it was supposed to smell bad or if it was mixed with something that made it smell so awful.

And Roger still was looking for the person and/or entity that left the chemical behind in a drum container and sparked an emergency call in a California neighborhood on a summer day.



Roger Vintze, right, confers with DTSC Performance Manager Florence Gharibian at a task force meeting.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL Enforcement Work

Majority Of Criminal Investigators At DTSC Are Women

Don't let the fact that Kelly Parino used to be an elementary school teacher fool you. Now a Criminal Investigator at the Department of Toxic Substances Control, she's doing much the same work that she did as a teacher.

"People are usually shocked (about the job change)," Kelly said matter of factly. "But then they think about it and say 'I guess you put people in line in both jobs.'"

Of course, Kelly didn't carry a gun when she worked for the Elk Grove Unified School District. Today, though, after receiving a criminal justice degree and attending a law enforcement academy, Kelly is a sworn peace officer and carries a gun. She also was No. 1 in her class in defensive tactics at the academy.

Meantime, DTSC Criminal Investigator Tiffany Chavez was "Top Gun" in her academy class for her marksmanship.

Enrique Baeza, Supervising Criminal Investigator I in DTSC's Office of Criminal Investigations, gives DTSC's women high marks, especially for their hard work and attention to detail, which is needed in environmental cases where science and legal issues merge.



Don't mess with DTSC's criminal investigators. From left are Catherine Gallardo, Tiffany Chavez, Kelly Parino, Jennifer Kozak, Joanna Rykoff and Valerie Alvarez. Not pictured are Criminal Investigators CeCe Fan and Anna Rodriguez.

Kelly, for example, admitted to being "pretty nervous" when presenting her first search warrant request to a judge. Her mind raced with thoughts about whether she had all the information, whether it was presented in an understandable fashion and what questions would the judge have for her.

Having joined DTSC in 2007, Kelly is relatively new in the Office of Criminal Investigations. But she's not unusual.

More than 50 percent of the investigators in the small office are women. This statistic is way above the 10 percent to 25 percent range typically found in law enforcement outside DTSC.

The department's criminal investigators — women and men — are the only ones within the California Environmental Protection Agency who carry guns and are sworn peace officers who can collect samples for laboratory analysis.

The unpredictable nature of environmental enforcement work means investigators never know what difficult situations they will need to diffuse out in the field.

As for Kelly, maybe investigatory work was in her blood. Her mom and dad are retired investigators from the California Department of Motor Vehicles, where they worked for 30 years.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL Message About Changes in Enforcement



John M. Fentis,
Environmental Project
Director,
California District
Attorneys
Association

ENVIRONMENTAL ENFORCEMENT ALWAYS CHALLENGING, ALWAYS CHANGING

I began prosecuting environmental crimes as a Deputy City Prosecutor for the City of Long Beach in 1991. It was an exciting time, and, in many ways it was like a classic John Wayne movie. Prosecutors wore white hats, and corporate defendants were viewed as the bad guys. California, without a doubt, had the toughest environmental laws in the nation. Defendants were often unprepared for criminal prosecution, and settlements were fast and furious, with most penalties finding their way back to the impacted communities through restitution orders and supplemental environmental projects that were unburdened by the scrutiny of state regulatory policy.

Today, defendants appear on the whole to have reluctantly accepted the notion of environmental compliance in California. Unfortunately, some corporate violators now see environmental enforcement more as a cost of doing business than an acceptance of the obligation to conduct business responsibly in our state to minimize the impact upon our environment and public health.

Settlement of environmental cases has become tedious. Worse, over the years, resources to enforce environmental regulations have decreased dramatically. Some defendants seem to readily resist enforcement efforts by engaging in tactics designed to intimidate and delay, and yet prosecutors, regulators and investigators are expected to do more with less. How can they succeed in making Californians aware that effective and viable environmental enforcement effort still exists?

Thankfully, investigators and regulators, like those at the Department of Toxic Substances Control, as well as prosecutors who work in this arena are passionate about what they do. They could easily obtain other employment in the private sector for the same work, but they choose to remain in public service. This choice is made out of the desire and energy to come from a place of integrity and

More →



DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Message About Changes in Enforcement

ENVIRONMENTAL ENFORCEMENT
ALWAYS CHALLENGING, ALWAYS CHANGING

Continued from previous page

a committed and determined course of action to avoid “selling out” to a higher salary and benefits. The passion was evident at a recent seminar sponsored by CDAA in Berkeley entitled “Science for Prosecutors”. The seminar included a tour of the DTSC Environmental Chemistry Laboratory. Sixty prosecutors toured the lab and listened intently to DTSC scientists who served as guides. I left the tour feeling amazed and overwhelmed by the incredible expertise displayed by our DTSC hosts. I also felt incredibly grateful that all of these employees are in public service and are available to help in environmental enforcement cases.

Equally important in our efforts to ensure credible environmental enforcement is our system of training. We, as regulators, investigators and prosecutors, have at our disposal an incredibly efficient system of teaching future generations of environmental enforcement participants. The bad news for future environmental violators is that we are becoming more adept and efficient in our ability to train viable replacements for those who leave or retire from their current positions.

Perhaps the most invigorating and welcome change in environmental enforcement is community-based enforcement. It is rewarding to see DTSC embrace environmental justice with visits to communities and bus tours. As a prosecutor, it is gratifying for me to see the resulting “task forces” include members of impacted communities so they can have a say about how environmental problems are resolved. This process, while still in its infancy, holds great promise for making environmental enforcement in California more responsive to public needs and public health.

In conclusion, I want to thank DTSC Enforcement and Emergency Response staff members for their passion, vision and leadership. In particular, their community-based environmental enforcement can serve as a model for many government environmental regulatory organizations. It’s a welcome change from traditional environmental enforcement and provides us all with a tremendous opportunity to measure the results of our labors in a more significant and powerful way.



John M. FENTIS

**FOR MORE INFORMATION ABOUT
DTSC ENFORCEMENT AND EMERGENCY RESPONSE, CONTACT**

**GALE FILTER
DEPUTY DIRECTOR
(916) 323-3577
GFILTER@DTSC.CA.GOV**

**SUE LANEY
ASSISTANT DEPUTY DIRECTOR
(916) 322-8521
SLANEY@DTSC.CA.GOV**

**MAILING ADDRESS: CAL EPA DTSC
P.O. BOX 806
SACRAMENTO, CA 95812-0806**

FOR MORE ON DTSC'S ENVIRONMENTAL JUSTICE ACTIVITIES, CONTACT

**FLORENCE GHARIBIAN
ENVIRONMENTAL JUSTICE COORDINATOR
(818) 717-6650
FGHARIBI@DTSC.CA.GOV**

**MAILING ADDRESS: DTSC
9211 OAKDALE AVENUE
CHATSWORTH, CA 91311-6505**

