
Independent Review Panel

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



Gideon Kracov, J.D., *Chair*
Mike Vizzier, *Vice Chair*
Dr. Arezoo Campbell, *Member*

Edmund G. Brown Jr. Governor

Department of Toxic Substances Control Independent Review Panel

Annual Report 2016

Independent Review Panel Members

Chair:

Gideon Kracov, JD, Community representative appointed by the Senate Committee on Rules.

Vice Chair:

Mike Vizzier, Local government management expert appointed by the Governor's Office

Member:

Arezoo Campbell, Ph.D., Scientist with experience related to toxic materials appointed by the Speaker of the Assembly

Independent Review Panel Staff

Counsel:

Deputy Attorney General Deborah L. Barnes

Associate Governmental Program Analyst:

TBA

Office Technician:

Erik Erreca

Executive Summary

In 2015, Senate Bill 83 established the Independent Review Panel (IRP) within the Department of Toxic Substances Control (DTSC). The IRP is comprised of three members tasked with reviewing and making recommendations regarding improvements to DTSC's permitting, enforcement, public outreach, and fiscal management, pursuant to Health and Safety Code section 57014.

The statute generated two primary reporting requirements for this panel. Subsection 57014 (f) of the Health and Safety Code requires the IRP to report to the Governor and the Legislature, 90 days after the panel is initially appointed and every 90 days thereafter. These reports are to detail DTSC's progress in reducing permitting and enforcement backlogs, improving public outreach, and improving fiscal management. As the last panel member was appointed on October 30, 2015, the initial subsection (f) report is due on January 28, 2016. Subsequent reports are due on April 27, July 26, and October 24 in 2016. Subsection 57014 (h) of the Health and Safety Code requires the IRP to provide recommendations to the Governor and Legislature in conjunction with the Governor's 2016-17 annual budget—released on January 7, 2016.

The IRP has met on November 18, and December 8, 9, and 18 of 2015. The IRP immediately began receiving public comments, numerous status reports, and recommendations from DTSC. Additionally, the IRP has received numerous recommendations from a variety of stakeholders on DTSC's permitting, enforcement, public outreach, and fiscal management.

DTSC has provided excellent support for the panel using existing resources. The IRP and DTSC are coordinating efforts to implement Health and Safety Code section 57104 (g), which requires DTSC to provide two support staff to the IRP, who are independent of DTSC. The IRP has appointed an individual to provide clerical support effective December 21, 2015. Despite undergoing several rounds of interviews, the IRP continues the search for candidates with the skills, knowledge, and abilities to provide analytic support. DTSC, on behalf of the IRP, continues to recruit for this position and will forward the most qualified applicants to the panel for consideration.

The IRP is currently working with DTSC to obtain the necessary support staff, as well as setting into motion a plan to review the department's permitting, enforcement, public outreach, and fiscal management in detail for future monthly meetings. Moreover, the IRP also plans on providing recommendations in its January 28, 2016 report.

Meeting minutes, letters and documents provided to the IRP are available on DTSC's IRP webpage at:

<http://www.dtsc.ca.gov/GetInvolved/ReviewPanel/Independent-Review-Panel.cfm>.

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Independent Review Panel (IRP) Procedures, Responsibilities and Work Plan for 2016

Members

Chair:	Gideon Kracov
Vice-Chair:	Michael Vizzier
Member:	Arezoo Campbell
Support Staff:	Erik Erreca

Authority/responsibilities:

As provided in Health & Safety Code section #57014, the function of the Independent Review Panel is to develop recommendations and submit them to the Department of Toxic Substances Control (DTSC) concerning reduction of permitting and enforcement backlogs, improving public outreach, and improving fiscal management. The IRP may also advise DTSC on reporting obligations and make recommendations for improving programs, as well as make suggestions regarding compliance per Health and Safety Code section 57007. Section 57014 requires the IRP to report to the Governor and Legislature 90 days after the panel was initially appointed (October 29th, 2015) and as 90 days thereafter. Moreover, the IRP is also required to provide recommendations to the Governor's 2016-17 annual budget and comply with the Bagley-Keene Open Meeting Act. (Gov. Code § 11120 et seq.)

Meetings:

Meetings will be held as often as required, and as long as logistics are feasible. A calendar of meeting dates/times will be developed on a monthly basis.

Meeting Agenda/Minutes:

A draft of the next meeting agenda will be developed at the end of each prior meeting. Any member or public representative may place an item on the agenda, however additional topics submitted during the meeting might not be addressed until the next meeting. The meeting agenda generally follows this template: announcements, agenda review, approval of minutes for the previous meeting, general/public comments, scheduled presentations, closed session (when necessary), organizational, operational and administrative matters, reporting requirements, future meeting dates, and adjournment. At the request of a committee member, the order of business may be changed to accommodate schedules and other panel needs. The agenda and approved Minutes of meetings are posted on the DTSC website as soon as they are available.

Action Item	Timeline	Monitoring Parameters
Goals / Work Plan of the IRP for 2016-17:		
1. Establish organizational & procedural methods that enable the panel's optimal performance.	January-March	<ul style="list-style-type: none"> • Hire the second support staff. • Finalize work plan • Develop strategies to maximize efficiency
2. Gather Input from all Stakeholders according to Section 57007 Paragraph 1.	January-December	<ul style="list-style-type: none"> • Solicit information from all DTSC employees (all sections). • Receive feedback from regulated community • Continue hearing from the public • Gather information from environmental and other stakeholders • Receive feedback from government officials, as well as DTSC administrators
3. Based on information gathered from all stakeholders, determine the most/least successful DTSC procedures regarding permitting/enforcement/community outreach/ fiscal management.	January-April	<ul style="list-style-type: none"> • Review all input received and determine the most efficient practices. • Review all input in order to determine which practices failed to resolve problems in a timely manner so they can be avoided in the future.
4. Based on task #3, provide recommendations to DTSC regarding implementing procedures that would assure success.	April-May	<ul style="list-style-type: none"> • Provide a list of initial recommendations to Director Barbara Lee
5. Establish measurable metrics for determining success of <i>potentially</i> implemented processes.	January-June	<ul style="list-style-type: none"> • Review all input to design objective quantitative metrics (i.e., number of permits/enforcement dollars received, sites successfully mitigated). • Develop subjective qualitative metrics (i.e., surveys of stakeholder satisfaction)
6. Gather data from all metrics developed and evaluated.	June-September	<ul style="list-style-type: none"> • Conduct thorough measurement of quantitative metrics. • Seek stakeholder inputs to determine levels of satisfaction

7.	Evaluate results of the data gathered from both quantitative and qualitative metrics.	September-December	<ul style="list-style-type: none"> • Draft figures and tables illustrating which parameters successfully improved by following IRP recommendations • Determine which recommendations failed to improve the parameters measured and reevaluate how these can be further improved.
8.	Generate Reports	January-December	<ul style="list-style-type: none"> • Per required Health & Safety Code #57014