

## Toxics

### Review of Cal EPA

1. CIWMB
2. ARB
3. SWRCB

### Toxic departments-

4. DTSC- haz waste mgt/contaminated property cleanup
5. OPR
6. OEHHA (Env Health Hazard Assessment)

### Prop. 65 of 1986

Warnings to people exposed to carcinogens or reproductive toxins

Excluded local governments or public water agencies

Applies to any business with 10 or more employees

Warnings must:

1. List chemicals used
2. individuals exposed
3. level of exposure

Hundreds of chemicals subject to warning - 10-20 more each year

Who is warned

Any person who might be exposed, including:

- employees
- site visitors
- neighbors
- general public
- product consumers

No warning required if no significant risk of cancer or no reproductive effect

- burden of proof on discharger
- remember past threshold discussions
  - carcinogen standard: lifetime exposure
  - reproductive standard: no impact from 1000 times the exposure

FDA consumer product exemption for certain carcinogens

- no exemptions for any reproductive hazards

Nature of Warning

- message must be available before exposure
- sign in area
- notice mailed/delivered to neighbor every 3 months
- media announcements every 3 months

Occupational exposures

- label on product in workplace
- sign

Consumer products

- product label
- sign at retail outlet

Citizen enforcement

- 25% of penalty of \$2,500 per day
- injunctive relief

SARA- Community Right to Know  
RCRA - the national toxics prevention law  
CERCLA- national cleanup law

Toxics regulation began well after air and water pollution

Love Canal nationally; Stringfellow in CA

Basically same system as air and water-  
EPA sets standards for program and state runs it. If state not "authorized," then EPA must step in.

CA was one of last programs to be approved; only Alabama was unapproved when CA was authorized.

- major problem was lack of centralized authority, as well as weak enforcement under Gov.  
Deukmejian (handsorting of manifests)

State may have a stricter program than national.

Cornerstone of toxics prevention is cradle to grave regulation. This means manifesting starting with generator and ending with disposal.

CA stricter standards for toxicity  
CA banned certain wastes from disposal

Transportation is key part of system.  
National manifest prepared by DOT. Prohibition of additional regulatory requirements on transportation.

CHP does enforcement on the road. Additional enforcement allowed for CA licensed vehicles.

CA also has separate hazardous waste management planning system; and separate hazardous waste facility siting requirements.

Emergency response for spills-  
- contrast with superfund cleanup

#### Local toxic responsibilities

1. Criminal enforcement
2. Regulation of Underground tanks
3. Sewage (thru sewage treatment plants)