

The physician and health advocate voice for a world free from nuclear threats and a safe, healthy environment for all communities.



April 21, 2018

Mr. Kevin Depies
Engineering Geologist
Department of Toxic Substances Control
Sacramento, CA 95812-0806

Re: Comments on Revised Proposed Toxicity Criteria for Health Risk Assessments,
Screening Levels, and Remediation Goals
DTSC Reference Number: R-2016-08
OAL Notice File Number: Z-2017-0725-08

Physicians for Social Responsibility-Los Angeles (PSR-LA) is a physician and health professional organization that advocates for policies and practices that improve public health, eliminate environmental and nuclear threats, and address health inequalities. We recognize that the environment often determines health status, and are guided by the precautionary ideal to foresee and forestall damage to human health and the environment. We appreciate the opportunity to comment on the revised proposed toxicity criteria, but must say we are deeply troubled by DTSC's proposal, which appears far too influenced by lobbyists for polluters and far too little by concern for the public health that should be DTSC's primary mission.

PSR-LA has been involved in efforts to clean up the Santa Susana Field Laboratory (SSFL) for over thirty years, and works in partnership with environmental justice and community-based organizations to ensure the most health protective solutions for communities impacted by toxic exposures. One of these organizations is the People's Senate, a group composed of community members who live near toxic sites throughout the state who joined together to address the many failures of the Department of Toxic Substances Control (DTSC) to adequately protect them. Despite countless meetings, reports, and participation in the Independent Review Panel established by the state legislature to reform DTSC, DTSC has shown no improvement, no progress, and no desire to protect the health of impacted communities.

Both the process and results of the preparation of the revised proposed toxicity criteria for health risk assessments, screening levels, and remediation goals reflect this same disregard for community health. DTSC continues to prioritize polluters' interest before the health and well-being of the people it is supposed to protect.

DTSC worked closely with industry and its representatives on this rule-making process and failed to properly notify and involve communities, holding hearings only in Sacramento (despite promising meetings in different parts of the state more accessible to impacted communities). It ignored comments by environmental health and community-based groups, yet adopted the recommendations of polluting industries to further relax critical protections of public health.

Worse, DTSC has rejected the most protective toxicity criteria from the California Office of Environmental Health Hazards and US EPA, and has instead substantially weakened the rule. DTSC has overruled OEHHA's science-based toxicity values in favor of its staffs' own subjective perspectives, choosing frequently the less protective rather than most protective standard, even when California's own expert agency on the matter, OEHHA, has put forward the standards that DTSC now proposes to reject.

PSR-LA most vehemently objects to DTSC's reliance on anticipated land use as a criteria for determining protective standards. This standard ignores the fact that many if not most toxic sites that impact communities are not in but adjacent to residential areas – and contamination migrates. It defies logic and science to rely upon land use alone.

PSR-LA urges that DTSC revise the its criteria to 1) reject reference to or reliance on anticipated land use, 2) disallow its staff to overrule OEHHA's toxicity criteria when they are more protective than EPA's, and 3) require the most protective standard.

For DTSC, toxicity criteria appears to be much more about appeasing industry than protecting people. But for communities, this criteria is literally a life and death issue. We have seen too many cancers, too many illnesses, and even too many deaths in areas near contaminated sites that should have been remediated years ago. That is DTSC's shameful legacy. But today, the agency has a choice to make, an opportunity to right itself and regain the confidence of communities and their advocates by adopting the most protective toxicity criteria possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Duffield". The signature is written in a cursive, flowing style.

Denise Duffield
Associate Director
Physicians for Social Responsibility-Los Angeles