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August 22, 2023

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 900  
Sacramento, CA 95814

**RE: SB 642 (Cortese): Hazardous materials: enforcement: county counsel  
As Amended June 12, 2023– Request for Signature**

Dear Governor Newsom,

The California State Association of Counties (CSAC), representing all 58 of the state’s counties, respectfully requests your signature on SB 642, authored by Senator Cortese.

This bill will provide county counsels with complete civil enforcement authority over hazardous waste violations, as originally intended by the Legislature. Health and Safety Code section 25182 provides that “[e]very civil action brought under [the Hazardous Waste Control Act] at the request of the [Department of Toxic Substances Control] or a unified program agency shall be brought by the city attorney, the county attorney, the district attorney, or the Attorney General in the name of the people of the State of California . . .” The legislative history of this provision specifically mentions the intent to authorize county counsels to prosecute hazardous waste regulatory laws to help ensure adequate enforcement and eliminate unfair competitive advantages enjoyed by noncompliant businesses.

However, the Legislature did not make conforming changes to several related statutes, including provisions governing hazardous waste prosecutions, the Hazardous Materials Business Plan Program, the Underground Storage Tank Program, and the Aboveground Petroleum Storage Act Program. As a result, county counsels remain a largely untapped tool in the enforcement of hazardous waste laws. In counties where district attorneys have limited resources and large criminal caseloads—particularly in unincorporated areas outside of city attorney jurisdiction—there may be insufficient recourse for civil enforcement of recalcitrant violators. This places at risk the public, especially low-income

areas and communities of color, and gives an unfair business advantage to chronically non-compliant actors.

SB 642 seeks to follow through on the Legislature's intent to add another hazardous waste enforcement option by granting county counsels complete civil enforcement authority over hazardous waste violations. It is for the above reasons the County of Santa Clara, RCRC, and CSAC are sponsoring SB 642 and respectfully requests your signature on this important bill.

For these reasons, we respectfully request your signature of SB 642 (Cortese). If there are any questions about our position, please do not hesitate to contact me at [awaelder@counties.org](mailto:awaelder@counties.org).

Respectfully,

A handwritten signature in blue ink, appearing to read "Ada W".

Ada Waelder  
CSAC Legislative Advocate

cc: The Honorable Dave Cortese, California State Senate  
Christine Aurre, Deputy Legislative Secretary, Office of Governor Newsom  
Grant Mack, Deputy Legislative Secretary, Office of Governor Newsom