



FLOOR ALERT

To: Honorable Members of the California State Senate

Date: April 19, 2023

Re: **Senate Bill 642 (Cortese) – Request an AYE Vote**

The California State Association of Counties (CSAC), the County of Santa Clara, and the Rural County Representatives of California (RCRC), respectfully request your **AYE vote** on SB 642.

This bill will provide county counsels with complete civil enforcement authority over hazardous waste violations, as originally intended by the Legislature. The legislative history of Health and Safety Code section 25182 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 these reasons we urge you to **vote AYE on SB 642**. For questions contact Ada Waelder (CSAC) at awaelder@counties.org, Josh Tosney (Santa Clara) at josh.tosney@cco.sccgov.org, or John Kennedy (RCRC) at jkennedy@rcrcnet.org.