

CLIMATE & ENVIRONMENT

California's environmental board approved hazardous waste plan that critics say could weaken protections



A Waste Management landfill outside Kettleman City, Calif., is one of two sites statewide that are permitted to accept hazardous waste. (Reed Saxon / Associated Press)



By Tony BriscoeStaff Writer |  Follow

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- California's environmental board voted 4-1 to approve the state's first hazardous waste management plan despite environmental advocates' concerns about potential deregulation.
- Environmental groups fear the plan could weaken protections by encouraging the state to review federal exemptions for hazardous materials recycling and potentially redefining what counts as hazardous.
- The board pledged closer oversight of controversial provisions and committed to reassessing contentious recommendations before revisions in 2028.

A California environmental oversight board approved a state plan outlining strategies to safely reduce hazardous waste — despite sharp criticism from environmental groups who say several aspects of the plan could invite deregulation.

A [2021 state law](#) directed the California Department of Toxic Substances Control (DTSC) to publish a plan every three years, outlining the state's approach to minimize the generation, disposal and incineration of hazardous waste. In March, the state agency released a draft of the first-ever hazardous waste management plan, drawing opposition for [a controversial recommendation](#) to consider allowing more contaminated soil to be dumped at nonhazardous landfills.

Eight months later, after four public meetings, a revised plan was discussed during a hearing in mid-November at the CalEPA headquarters in Sacramento. Many environmentalists remained wary, noting the plan still recommends reviewing federal exemptions for hazardous materials that can be recycled and a broader reassessment

of California’s standards. Their fear is that this could lead the state to roll back its protocols — widely considered among the most strict in the country.

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“We find this plan to be extremely deregulatory and paving a path for DTSC to adopt more loopholes for industry,” said Andrea Loera, an attorney with San Francisco-based nonprofit Earthjustice.

“Excluding hazardous waste from the law,” she continued, “does not make hazardous waste dangers magically disappear.”



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The Board of Environmental Safety, a five-member committee tasked with supervising DTSC, voted 4-1 to approve the plan. Board members said they

recognized the unease around parts of the plan but vowed to closely track these proposals to ensure any changes did not result in harmful deregulation.

“I’ve heard serious concerns that evaluations called for ... will necessarily lead to outcomes that are less protective for public health,” said Andrew Rakestraw, the board’s chair. “And ... we, as a board, our mandate is to ensure that does not come to pass.”

Board member Ingrid Brostrom echoed those sentiments, ultimately voting in favor of the plan.

“What I fear is, if we basically allow DTSC to move forward without the plan, we have simply removed our oversight,” said Brostrom. “The question for me is, is having this plan better than having no plan at all? For me, the answer is no.”

The plan suggests the state should evaluate the federal government’s exemptions and exclusions for recyclable streams of hazardous waste.

Because of California’s more stringent hazardous waste regulations, much more potentially dangerous waste needs to go to a specialized landfill or treatment facility than would be required by the federal government’s rules.

However, the state only has two hazardous waste landfills, and disposal there is significantly more expensive.

There is a loophole, which has also caused an uproar among environmental advocates: Oftentimes, industry and government agencies opt to export California hazardous waste to municipal landfills in neighboring states that rely on the less-restrictive federal rules.

The federal program also waives fees and requirements for “legitimate” recycling of certain hazardous wastes, such as scrap metal. Environmentalists said they worry this would put more communities at risk, noting the largest environmental cleanup in California’s history is of [lead-contaminated homes](#) near a [former battery recycling plant](#) in Southeast Los Angeles County.

“It is not the time for us to stand on par with the federal government which is trying to dismantle hazardous waste protections,” said Ivana Castellanos, an organizer with Physicians for Social Responsibility.

The state’s new plan set out to address these dilemmas by identifying ways to minimize hazardous waste at the source and explore ways to recycle emerging sources of hazardous waste, such as lithium-ion batteries.

But many environmental organizations say the plan doesn’t provide the state with a proper road map, leaving out specific targets or dates for reducing hazardous waste.

At the Nov. 17 meeting, the board said it would consider requiring DTSC to set hazardous waste reduction and diversion goals for the next iteration of the plan, which is due in 2028.

Environmentalists also say the plan appears to try to reduce hazardous waste by redefining what counts as hazardous.

The plan suggests the state should review the federal government’s exemptions and exclusions for recyclable streams of hazardous waste, such as reclaimed scrap metal.

A handful of recommendations in the plan call for the evaluation of the effectiveness of a state test that simulates how toxic substances may leak out of contaminated solid waste in landfill conditions; how exposure to certain California-regulated metals

corresponds with health effects; and the state’s benchmarks for lead-containing waste.

DTSC officials said these evaluations were required under the 2021 law that established the state hazardous waste management plan. At the hearing, DTSC director Katie Butler pushed back on accusations that the plan was a deregulatory scheme, stressing its overarching goal is to safeguard Californians.

“The intention is to protect health, safety, the environment — and that is the lens in which we look at this entire plan,” Butler said at the meeting.

In addition to approving the state plan, board members voted to discuss ways oversee these “contentious” recommendations in [public meetings](#) to be held Jan. 14-15 in Sacramento.

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