

CALIFORNIA RADIOACTIVE MATERIALS MANAGEMENT FORUM

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July 9, 2007

Subject: SB 990 (Kuehl): *Oppose, Move to Suspense File*

The Honorable Mark Leno, Chairman, and
Members, Assembly Appropriations Committee:

The California Radioactive Materials Management Forum (Cal Rad) is strongly opposed to SB 990, "Hazardous waste: Santa Susana Field Laboratory," set for hearing on Wednesday, July 11th. Cal Rad is an association of organizations that use radioactive materials, generate low-level radioactive waste, or otherwise have an interest in the safe management and disposal of these wastes. Our members include universities, utilities with nuclear power plants, medical centers, industries including pharmaceutical and biotech firms, and professional societies. We support consistent and effective science-based regulation of the use of radioactive materials, management of facilities where radioactive materials are — or have been — used, and management and disposal of radioactive wastes. We do not believe the provisions of SB 990 reflect good science or consistent and efficient regulation.

Significant Costs to the State. The California radiation control program is located in the Department of Public Health (formerly the Department of Health Services) in the Health and Human Services Agency pursuant to agreement with the U.S. Nuclear Regulatory Commission (NRC) by which California is designated an "Agreement State" under the federal Atomic Energy Act. SB 990 would place supervision of the cleanup of the Santa Susana Field Laboratory (SSFL), including cleanup of radioactive contamination, under the Director of Toxic Substances Control in Cal EPA. This is not where the State's expertise in radiation health and safety protection lies. The DTSC would likely incur considerable costs in acquiring redundant radiological expertise. In 2003, an analysis by the Senate Appropriations Committee found that a transfer of radiation regulatory jurisdiction proposed by SB 201 would entail substantial costs to the State because administrative costs per employee are significantly higher at DTSC than at the DHS. SB 990 would establish bad precedents for the State's radiation control program, and the

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jurisdictional issue invites compromise of California's Agreement State status under NRC oversight.

Cleanup of the Santa Susana Field Laboratory is in the final stages. However, the U.S. Environmental Protection Agency is already reevaluating the site, and it would be premature for the State to require that Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) standards be met before EPA's assessment is complete. Possibly conflicting standards would only invite further delays in completing the cleanup at SSFL.

Cal Rad believes the changes proposed by SB 990 are unnecessary and unwise. Therefore, we oppose SB 990 and respectfully request that the Committee move the bill to the Suspense File at the hearing on July 11th.

If members of the Committee or Committee staff have any questions, please call me at 925/283-5210 or Cal Rad's Chairman, Lawrence Gibbs, at 650/723-7403.

Sincerely,

Alan Pasternak

cc: The Honorable Sheila Kuehl, State Senator
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