



West Oakland
Environmental
Indicators
Project



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March 5, 2026

The Honorable Damon Connolly
Chair, Senate Environmental Quality Committee
California State Assembly
1020 N Street, Room 171
Sacramento, CA 95814

Re: Senate Bill 811 (Caballero) – OPPOSE

Dear Chair Connolly,

The undersigned organizations respectfully oppose Senate Bill 811 (Caballero). SB 811 is a repeat of SB 404, which was vetoed last session. Our groups expressed significant concerns about SB 404's threat to the health and safety of frontline communities and the environment (opposition letters attached). SB 811 continues this threat, as none of the changes made from SB 404 would address the concerns we raised. SB 811 again claims to establish a comprehensive regulatory scheme for permitting metal shredders, but is in reality a deregulatory bill pushed by the metal shredding industry to exclude metal shredding facilities from hazardous waste laws. SB 811 does not solve, and may exacerbate, the threats to communities and the environment from hazardous waste.

Metal Shredders Should Not Be Excluded From Hazardous Waste Laws

Hazardous waste does not cease to be hazardous merely because some part of it is being recycled or because industry interests seek to call it something else. At each step of the metal shredding process, these facilities generate or handle hazardous wastes that present risks to surrounding communities and ecosystems.

The primary feedstock at metals shredders—end of life vehicles and large appliances—contain more toxic materials than ever. Whether electric, hybrid, or internal combustion, most modern vehicles contain thousands of semiconductors, sensors, and display screens—electronic waste that is classified as hazardous in California.¹ Unprocessed feedstock may also contain hazardous materials such as gasoline, oil, antifreeze, lead-acid batteries, radioactive materials, explosives, PCBs, and mercury.²

¹ *Electronic Hazardous Waste (E-Waste)*, Department of Toxic Substances Control, <https://www.dtsc.ca.gov/electronic-hazardous-waste> (last visited Jan. 6, 2026).

² Department of Toxic Substance Control, Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes (“DTSC Evaluation”) (2021) at 6, 39, available at <https://dtsc.ca.gov/wpcontent/>

This feedstock is a hazard while it sits in large piles waiting for processing. The massive fire at Schnitzer Steel in West Oakland in 2023 was likely caused by a lithium-ion battery in a large pile of unprocessed materials.³ Even after the de-pollution process, volatile lithium-ion batteries are increasingly common in shredder feedstock piles from sources as small as flashlights or e-cigarettes.

Metal shredding equipment also presents risks. Even when working as designed, the equipment releases pollutants, and several incidents have occurred in the equipment that threaten public health and safety. A fire in the SA Terminal Island metal shredder damaged its air pollution control device and resulted in the uncontrolled release of particulate matter and VOCs in Los Angeles County for 120 days.⁴

Metal shredder aggregate generated from shredding feedstock contains levels of cadmium and PCBs that exceed California's thresholds for hazardous waste, and DTSC testing found that it contains carcinogens.⁵ Fires have also started in the outdoor piles of metal shredder aggregate, and there are documented releases of particulate matter and metal shredder aggregate into surrounding communities.⁶

The waste residue that remains after economically valuable metals have been collected from the aggregate may also contain high levels of lead, copper, arsenic, and zinc exceeding regulatory thresholds. The residue is classified as hazardous waste unless the facility has received an "f letter" from DTSC and chemically treats the residue before shipping it off to a landfill for disposal.⁷ But "higher concentrations of lead, cadmium, copper, or zinc can result from insufficient application of treatment chemicals,"⁸ and metal shredder residue in the form of light fibrous material can be "inappropriately dispersed offsite due to wind or rain."⁹

SB 811's Replacement Framework is Inadequate

As the numerous fires and releases of toxics into surrounding communities and the environment demonstrate, the materials managed at metal shredding facilities are hazardous and require strict oversight. Far from providing necessary oversight, however, SB 811 would create a new

uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf.

³ Annelise Finney, *West Oakland Steel Recycling Charged With 10 Crimes After Toxic Fire Last Summer*, KQED (July 23, 2024), <https://www.kqed.org/news/11996994/west-oakland-steel-recycler-charged-with-10-crimes-after-toxic-fire-last-summer> (last visited Jan. 6, 2026).

⁴ DTSC Evaluation at 53.

⁵ *Id.* at 33–34.

⁶ *Id.* at 48–49, 57, 64.

⁷ *Id.* at 8–10.

⁸ *Id.* at 64.

⁹ *Id.* at 11.

regulatory framework that, among other problems, largely allows shredders to regulate themselves.

Instead of providing prescriptive requirements, SB 811's scheme relies on the facilities to submit their own plans to DTSC for ensuring safe operations and responsibility for releases of hazardous waste. SB 811 would also allow facilities to unilaterally change their operations after receiving a permit, potentially increasing emissions and toxic releases into surrounding communities, without first seeking approval from DTSC or public engagement. The bill also allows a metal shredder to continue operating while its permit application is pending even if it is unable to comply with all the requirements, with no strict time limit on such interim operation.

While SB 811 incorporates some technical requirements from DTSC's existing hazardous waste regulations, this fails to address the concerns with excluding the materials at metal shredding facilities from classification as hazardous waste. DTSC still would be implementing an entirely new regulatory regime while it already struggles to manage its existing responsibilities under the hazardous waste management program. SB 811 also does not guarantee reimbursement of all of DTSC's costs of running the new program.¹⁰ Moreover, excluding the materials from classification as hazardous waste threatens the ability of local governments, including CUPAs and county governments, to provide oversight over the hazardous waste at metal shredders.

Finally, SB 811's prioritization of industry interests over community and environmental health and safety is made more evident by the fact that the bill was crafted without adequate consultation with the frontline communities most impacted by metal shredding facilities. Our groups provided multiple rounds of feedback on SB 404 that were not addressed, and we understand that no effort was made to engage with communities near the other metal shredders in California.

We agree that the problems at metal shredding facilities must be confronted to protect communities and the environment, and we appreciate the legislature for taking on this issue. But SB 811 continues a problematic trend of adopting exclusions instead of addressing problems associated with hazardous waste. Threats to human health and the environment from the management of hazardous waste do not disappear simply by calling the waste something else. The legislature should be seeking solutions to these problems, not sweeping them under the rug to fester and continue poisoning communities and the environment.

We respectfully urge the honorable members of this committee to reject SB 811.

¹⁰ Attachment C (Letter Requesting Veto of SB 404).

Sincerely,

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