Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
1001 I Street
P.O. Box 806
Sacramento, California 95812-0806
https://dtsc.ca.gov/

Gavin Newsom
Governor

September 30, 2026

Rachel Michelin
President/CEO
California Retailers Association
RMichelin@calretailers.com

PETITION FOR RULEMAKING TO ADOPT EPA'S MANAGEMENT STANDARDS FOR HAZARDOUS WASTE PHARMACEUTICALS RULE, 40 C.F.R. PART 266, SUBPART P, §§ 266.500-266.510 PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 11340.6

Dear Rachel Michelin:

The Department of Toxic Substances Control (DTSC) received the subject Petition dated September 8, 2026, on behalf of the California Retailers Association pursuant to Government Code § 11340.6 (Petition). We are providing this response to inform you of our decision denying the Petition pursuant to Government Code § 11340.7.

The Petition requested the permanent adoption of the regulations under 40 Code of Federal Regulations §§ 266.500-266.510 ("the Pharmaceuticals Rule" or "the federal rule" or "the rule") by DTSC. The United States Environmental Protection Agency (U.S. EPA) adopted the Pharmaceuticals Rule, which became effective on August 21, 2019. As the Petition stated, DTSC is required to adopt regulatory requirements in the Pharmaceuticals Rule that are more stringent than existing state regulations to maintain authorization to administer the state hazardous waste program in lieu of the federal hazardous waste program. As a whole, U.S. EPA considers the Pharmaceuticals Rule to be more stringent than existing federal requirements, and therefore, is mandatory for authorized states to adopt. However, for those changes that are less stringent, states are not required to modify their programs.

DTSC is denying the request for regulatory adoption as moot because DTSC has evaluated the federal rule and, as has been publicly disclosed, plans to adopt the rule through the rulemaking process pursuant to the Administrative Procedure Act (Government Code § 11370 et seq.). Section 3009 of the Resource Conservation and Recovery Act allows states to impose more stringent standards than, or in addition to, those in the federal program. Since California's hazardous waste program is more stringent and broader in scope than the federal program in many aspects, some Pharmaceuticals Rule provisions in DTSC's rulemaking will be altered to align with California's hazardous waste program and other provisions of existing state law.

DTSC has assigned Mr. Kareem Taylor as the contact person for this topic. Mr. Taylor can be reached at 916-445-9553 or via e-mail at Kareem.Taylor@dtsc.ca.gov.

Consistent with Government Code § 11340.7, interested persons may obtain a copy of this Petition from DTSC. Similarly, this decision will also be submitted to the Office of Administrative Law for publication in the California Regulatory Register at the earliest practicable date.

Sincerely,



Mandi Bane
Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
Mandi.Bane@dtsc.ca.gov

cc: Kevin Kanooni
Senior Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
Kevin.Kanooni@dtsc.ca.gov

Kareem Taylor
Senior Environmental Scientist, Supervisory
Policy Development Unit
Technical Advisory & Planning Branch
Statewide Policy Division
Hazardous Waste Management Program
Department of Toxic Substances Control
Kareem.Taylor@dtsc.ca.gov

Paige Elling
Environmental Scientist
Policy Development Unit
Technical Advisory & Planning Branch
Statewide Policy Division
Hazardous Waste Management Program
Department of Toxic Substances Control
Paige.Elling@dtsc.ca.gov

Gabriella Nepomuceno
Environmental Program Manager I
Technical Advisory & Planning Branch
Statewide Policy Division
Hazardous Waste Management Program
Department of Toxic Substances Control
Gabriella.Nepomuceno@dtsc.ca.gov

Grant Hisao
Chief of Staff
Director's Office
Department of Toxic Substances Control
Grant.Hisao@dtsc.ca.gov