

## NEW ENFORCEMENT TRENDS IN WASTE MANAGEMENT IN CALIFORNIA

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Waste management compliance could be a key issue for companies throughout California in 2026. We have recently seen an uptick in waste management-related enforcement actions pretty much across the board, and it appears likely that this trend will continue throughout the year. Learn what company owners, executives, and in-house lawyers need to know from a California environmental litigation attorney at Bick Law LLP:

### 4 Trends in California Waste Management Enforcement in 2026

While waste management and hazardous waste disposal have long been priority enforcement areas in California, we are currently seeing this being taken to a new level. Here are five trends that have come to the forefront in recent months:-

#### 1. An Overall Uptick in California Waste Management Enforcement Cases

As noted above, we have recently seen an overall uptick in waste management enforcement cases in California. This is not specific to any industry or any particular area of enforcement. Additionally, while many of these cases involve the enforcement of companies' obligations under RCRA and the HWCL in California, we are also seeing companies face litigation under various other California regulations and common law.

#### 2. Enforcement Actions Targeting Hazardous Waste Misclassification

One area where we have seen particularly high enforcement activity is hazardous waste classification—or, more specifically, misclassification. As the California Department of Toxic Substances Control (DTSC) [makes clear](#), “[t]he single most important part of waste classification is accuracy because all other waste management requirements hinge on this one decision.” Allegations of misclassifying hazardous waste can have a cascading effect in enforcement proceedings, making it essential for targeted companies to take a comprehensive approach to assessing their risks and building their defense strategies.

#### 3. Enforcement Actions Involving Everyday Products Classified as Hazardous

Another area where we have seen a particularly high volume of enforcement activity is everyday products that are (or can be) classified as hazardous under California law. This includes shampoos, soaps, and alcohol prep pads, among *many* others.-

#### 4. Big Fines for Improper Disposal of Hazardous Waste

Another notable trend we are seeing as we head into 2026 is the imposition of substantial fines for improper hazardous waste disposal. Under California law, companies can face fines per violation in many cases. With violations often defined narrowly and misclassification events potentially involving numerous violations, even isolated incidents can expose companies to extraordinary liability.

## Mitigating Your Company's Risk of Facing Waste Management-Related Enforcement Action

With these trends in mind, what can (and should) companies do to mitigate their risk of facing waste management-related enforcement actions—and the potential liability that comes with them—in 2026? Here are some tips for companies doing business in California:

- **Prioritize Hazardous Waste Management and Disposal Compliance** – Given the risks discussed above, companies in California need to prioritize hazardous waste management and disposal compliance in 2026. While many companies already have compliance programs in place, all companies should reassess their needs and ensure they have implemented the necessary policies, procedures, and protocols to manage compliance effectively.
- **Document Your Company's Compliance Efforts On an Ongoing Basis** – Along with proactively managing compliance, companies should also document their efforts. When facing enforcement actions related to hazardous waste management and disposal, claiming compliance and demonstrating compliance are very different. Companies that deal with hazardous waste in any capacity should have protocols for generating and storing documentation of compliance as a matter of course.
- **Be Prepared to Respond to Inquiries Effectively if Necessary** – Having comprehensive compliance documentation is only beneficial if you are prepared to use it when necessary. In light of the risks of facing hazardous waste-related enforcement actions, companies should ensure that they are prepared to respond effectively to inquiries from regulatory authorities when necessary. Among other things, this means ensuring that relevant compliance documentation is readily available and that the appropriate personnel are involved in the company's immediate response.
- **Be Prepared to Defend Against Allegations in an Administrative Action or through a Settlement** – In addition to preparing for the possibility of scrutiny from regulatory authorities, companies should ensure they are prepared to take a proactive approach to settle the violations and avoid an agency order.-
- **Monitor for Changes and Updates that Impact Your Company's Obligations** – Finally, like many areas of environmental law and regulation in California, hazardous waste management is an area where we often see changes. With this in mind, companies should monitor (or have their environmental compliance counsel monitor) for any changes or updates that affect their compliance obligations. Even when new laws and regulations do not take effect immediately, companies will often need to get to work promptly to come into compliance before or on the effective date.

## Speak with a California Environmental Litigation Attorney in Confidence

At Bick Law LLP, we represent companies across California in all matters involving waste management and disposal. If you need to know more about your company's obligations (or risks) in 2026, call us at 949-432-3500 to speak with an experienced California environmental litigation attorney in confidence.