

Meeting of the TUR Administrative Council

February 28, 2018
Saltonstall Building
100 Cambridge Street, Boston
Conference Room A

Council Members Attending

Daniel Sieger, Executive Office of Energy and Environmental Affairs (EOEEA)
Michael Flanagan, Department of Labor Standards (DLS)
Greg Cooper, Department of Environmental Protection (MassDEP)
Jacob Nunnemacher, Department of Fire Services (DFS)
Dr. Marc Nascarella, Department of Public Health (MassDPH)
John Chapman, Office of Consumer Affairs and Business Regulation (OCABR)

Others Attending

Katherine Robertson (Massachusetts Chemistry Technology Alliance [MCTA]), Margaret Gorman (American Chemistry Council [ACC]), Tricia McCarthy (Coyne Law Office for ACC), Elizabeth Harriman (Toxics Use Reduction Institute [TURI]), Rachel Massey (TURI), Heather Tenney (TURI), Molly Jacobs (UMass Lowell), Rich Bizzozero (Executive Office of Energy and Environmental Affairs [EOEEA]), Tiffany Skogstrom (Office of Technical Assistance [OTA]), Maia Rodriguez-Semp (OTA)

Welcome and Introductions

The Chair of the Council welcomed everyone to the meeting and opened the meeting by asking if there were any changes to the October 16, 2017 meeting minutes. There were no changes brought forth and the motion to accept the minutes as written was unanimously approved with one abstention from the MassDPH member.

Discussion of Outreach Results and Council Vote to List C1-C4 Halogenated Hydrocarbons/Halocarbons Not Otherwise Listed (C1-C4 NOL)

The Chair of the Council invited representatives from TURI to briefly review the topic and indicated that the Executive Director would subsequently give an overview of the outreach done to Tier II facilities. Members of the Council and other attendees were provided with copies of the updated policy analysis.

Representatives from TURI reminded members and attendees that the proposal for the chemical category described as “C1 - C4 Halogenated Hydrocarbons/Halocarbons Not Otherwise Listed” (C1-C4 NOL) is a proposal to add the category to the TURA list of reportable Toxic or Hazardous Substances (TURA List). Following this reminder, representatives from TURI presented a brief summary of each section of the C1-C4 NOL policy analysis.

TURI distributed a reformatted version of the illustrative list of chemicals that fit the C1-C4 chemical structure. The list was made available as a handout for all attendees of this meeting.

The Executive Director then provided an overview of outreach results regarding the C1-C4 NOL listing proposal. Outreach was done to 43 individuals at 21 Tier II companies that were identified as using a chemical in the C1-C4 NOL category. The outreach material included information regarding the proposed category, a link to the policy analysis and the draft list of chemicals, examples of trade-names and common names for the chemicals like R134a, and information about the scheduled February 28, 2018 Administrative Council meeting. The Executive Director received one request to clarify the list of chemicals to be included in the proposed category and no other response as a result of that outreach. As a follow-up measure, the Executive Director contacted two refrigeration system fabricators and installers in Massachusetts. The company representatives did not express concern with the proposal to list the C1-C4 NOL and offered to partner with the Office of Technical Assistance on outreach to their customers that are subject to USEPA Risk Management Planning (RMP) because of the use of anhydrous ammonia. The Executive Director also provided an explanation of the process following a Council vote to list a chemical or chemical category including a 21 day public comment period and public hearing. The Executive Director clarified that additional outreach would be conducted to solicit comments.

Comments and questions were then invited from Council members and attendees. Questions and comments included the following.

A member requested additional clarification on the process to promulgate the regulations. The Executive Director reviewed the process and noted that the response to comments document is provided to Council members and individual comments can also be provided to the Council if they choose to request that.

A member expressed concern that the listing of this category could motivate businesses to switch from a listed toxic refrigerant to a flammable alternative. Would there be impacts on fire services, for example using propane as a refrigerant? Representatives from TURI and OTA clarified that the goal of the TURA program is to reduce toxics use without shifting risk. The program would provide information on alternatives so that companies could make informed decisions on alternatives. In addition, the representatives from TURI and OTA reminded members and attendees that, if a facility uses one of the C1-C4 NOL chemicals for refrigeration, it is highly unlikely that those facilities will be subject to reporting and planning requirements for that use.

Another Council member noted that there is a national initiative to replace Freon with butane, so fire services will be working to address fire hazards at small facilities that make this shift. These facilities would be unlikely to be subject to TURA requirements due to their small size and small amount of chemicals used.

A member requested that, should the Council vote to list the C1-C4 NOL category, that the Executive Director reach out to municipal fire departments and other local entities that have a role in coordinating emergency planning and permitting.

A member requested clarification on the scope of additional new filers that would be brought into the TURA program as a result of listing the C1-C4 NOL category. Representatives from TURI clarified that all the TURA covered facilities identified on Tier II as using one or more chemicals in the C1-C4 NOL category already file under TURA for other chemicals.

A representative from the Massachusetts Chemistry Technology Alliance (MCTA) asked if each substance in the C1-C4 NOL category had been examined by the Science Advisory Board (SAB) and expressed concern with listing a category that includes chemicals that may not have been studied.

A motion to vote was put forward and seconded.

Vote:

5 council members voted for the proposal with no abstentions. The proposal as outlined above would move forward to begin the 30A public process to add the category referred to as C1-C4 NOL to the TURA list of reportable Toxic or Hazardous Substances. With the addition of the C1-C4 NOL category, businesses subject to TURA that otherwise use 10,000 lb/year of chemicals in this category, would be required to report that use to MassDEP. The reporting threshold for companies that may incorporate any of the new chemicals into products or actually manufacture these chemicals would be 25,000 pounds per year.

Nanomaterials Survey Results and Discussion of Next Steps

Tiffany Skogstrom, OTA Outreach and Policy Coordinator, gave a brief summary of the preliminary results from a survey administered, starting in December 2017, to gather information from respondents that use, process, or manufacture nanomaterials in Massachusetts. The presentation slides were provided to all members and attendees. The survey was developed and administered as part of the TURA program's ongoing response to the November 2016 request that was sent to Massachusetts Secretary of Energy and Environmental Affairs, Matthew Beaton, regarding policy development for nanomaterials. Thirteen environmental, labor, and advocacy groups coauthored the request that nanomaterials be assessed to ensure that they are used and disposed of in a manner that protects environmental and worker safety in the Commonwealth.

Skogstrom stated that, in an effort to better respond to the request and collect additional information, the survey will remain open to respondents. She encouraged members and attendees to spread amongst Massachusetts networks.

Presentation on Nanomaterials

Molly Jacobs of UMass Lowell gave a presentation titled "Engineered Nanomaterials: Overview of Hazards and Best Management Practices." The presentation slides were provided to all members and attendees.

Comments and questions were then invited from Council members and attendees. Questions and comments included the following.

A member asked about the likelihood that workers would know if and when they were using nanomaterials as opposed to a bulk material of the same name. Representatives from TURI responded that it likely depends highly on the sector; particle size is typically not listed on a Safety Data Sheet (SDS), and generally, the information on hazard and safety are for the bulk material.

A representative from the American Chemistry Council (ACC) offered to provide a speaker from their nanotechnology panel at a future Council meeting. OTA staff noted that the TURA program would welcome information that ACC can provide on where and how nanomaterials are being used. The ACC representative noted that ACC has circulated the nanomaterials survey to membership.

A member requested clarification on the TURA program selected subset of nanomaterial categories that are discussed in the TURI fact sheet. A representative from TURI stated that the decision was made to provide an overview of the basic topics related to engineered nanomaterials, and include selected categories for which information is available. These categories provide an introductory overview of some important nanomaterial hazards and uses. The Executive Director referred members and attendees to the original November 2016 request which specifically listed carbon nanotubes and nanosilver as materials of interest.

A representative from MCTA made a statement highlighting MCTA members' efforts to protect workers, and noted that they provided an educational program in December. The representative asked a question about the incidental production of nanomaterials in manufacturing operations. A representative from TURI clarified that incidental production of nanomaterials often refers to emissions such as diesel ultrafine particles.

Schedule Next Meeting

The Executive Director stated that the next meeting would likely be scheduled for May or June 2018 and that members should expect a message requesting their availability.

Adjourn

Handouts

October 16, 2017 Meeting Minutes for the TUR Administrative Council

TURI Policy Analysis, C1-C4 Halogenated Hydrocarbons/Halocarbons Not Otherwise Listed (C1-C4 NOL) February 2018

Draft Chemical List, Halogenated Hydrocarbons/Halocarbons C1-C4 Not Otherwise Listed February 2018

November 2016 Nanomaterials Request to Secretary Beaton

October 5, 2017 ACC Letter to Secretary Beaton

October 10, 2017 MCTA Letter to Assistant Secretary Sieger

Nanomaterials Survey Memo

Preliminary Nanomaterials Survey Results Slides

Engineered Nanomaterials: Overview of Hazards and Best Management Practices Slides

Fiscal Year 2017 Progress Report on the Massachusetts Toxics Use Reduction Program – Final Draft

Spring 2018 Chemical Safety and Climate Change Preparedness Workshops Flyer

TURI Update: February 2018

FY18 TURA Grants Overview

Toxics Use Reduction and Resource Conservation: Competitiveness Impacts for Massachusetts Businesses