



January 28, 2010

Daniel Sieger, Undersecretary for Environment
Rich Bizzozero, Executive Director TUR Administrative Council
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Dan and Rich,

Thank you for the invitation to give feedback on the proposal to create an ad hoc committee to review the TURA program.

As you are aware, Clean Water Action has significant concerns with the proposal to create this committee and we believe that it is the wrong strategy for an analysis of the TURA program. The TURA Advisory Committee was created by statute to give input on the program from a wide variety of stakeholders, and questions about the program's effectiveness or changes to the program should be brought first to the Advisory Committee. Of course anyone who is not represented on the Advisory Committee is free to express opinions about the program to EEA and other TURA agencies and if those opinions warrant discussion they should be brought to the Advisory Committee.

One of our biggest objections to this committee is that it puts a significant burden on advocacy organizations who have very limited resources to do this work (and we presume this is true for small businesses too). Industry groups who have a financial stake in the details of the TURA program also have more financial resources and person-power to devote to these discussions.

In the discussion at the TURA Advisory Committee on January 9th, Dan mentioned having heard from members of both the business and environmental community who were interested in participating in the Committee. If there are representatives from environmental groups other than Clean Water Action who are going to join the committee, that is wonderful and I would be interested in knowing who those people are. However, my experience is different. In the two weeks since that meeting I have spoken to numerous environmental organizations who work on toxics and care about the program but A. agree that these issues should be discussed in the Advisory Committee rather than an newly created ad hoc committee, and B. are unable to take on one more thing because they are so stretched thin. That makes me think that in fact it is only the business community that has expressed enthusiasm about this.

That being said, if you move forward with creating this ad hoc Committee we request that you take the following steps to make it equitable, transparent and manageable.

Clarify committee formation process: It is not clear how nominations to the committee will be evaluated. Will all be accepted (in essence – anyone who wants to be on the committee can be)? Will there be some selection process? If there is a selection process, it should be made clear who is doing the selecting and what criteria they will be using. We request that this process be explained.

Plan meetings well in advance: Schedule meetings with at least once month's notice and provide detailed meeting agendas at least one week before the meeting. Announce the schedule for the full set of meetings at the start of the process including dates and topics, to allow committee members to plan ahead and select which meetings to prioritize if they cannot attend all.

Include the following topics of discussion:

- At the first meeting include a review of what is required by TURA statute, what is required by regulation and what is being done as a matter of informal policy or practice.
- Review accomplishments of the TURA program since inception.
- In the discussion of fees, please add to the desired outcomes “Bring TURA program into compliance with statute.”
- Addition of chemicals to the TURA list and designation of higher hazard substances. Desired outcome – identify chemicals that pose a hazard to people or ecosystems of Massachusetts that should be considered for listing and/or higher hazard substance designation in the coming 1-5 years.

Ensure that the final report accurately reflects opinions of committee members: The ad hoc committee should have the opportunity to review, provide edits to, and approve the report to the council that is prepared at the end – as Advisory Committee meeting minutes are approved by the Advisory Committee members before delivery to the Council.

Thank you for considering our input.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth D. Saunders".

Elizabeth D. Saunders
Massachusetts Director