

TURA Ad Hoc Committee Meeting, January 13, 2021

Meeting Attendees

Ad Hoc Committee members

***Larry Boise**, Franklin Paint
Lauren Bradford, Cabot Corporation
Tom Estabrook, TNEC
Wendy Heiger-Bernays, BUSPH; TURA SAB
Andy Irwin, Irwin Engineers
***Bill Judd**, Industrial Compliance Group
Jay Kaufman, Beacon Leadership Collaborative
Terry McCormack, Umicore
Jim Reger, MAAPA
Rick Reibstein, BU
Bob Rio, AIM
Kathy Robertson, MCTA
Cora Roelofs, UML
***Mark Rossi**, Clean Production Action
Elizabeth Saunders, CWA
***Lucy Servidio**, Capaccio
***Laura Spark**, CWA
***Jodi Sugarman-Brozan**, MassCOSH
***Matt Taylor**, Dupont

Other Advisory Committee members

Karen Blood, Hollingsworth and Vose
Andy Goldberg, AG
Becky Weidman, MWRA

Administrative Council members

Greg Cooper, DEP
Michael Flanagan, DLS

TURA program

Richard Blanchet, DEP
Lynn Cain, DEP
Walter Hope, DEP
Veronica Wancho O'Donnell, DEP
Jenny Outman, DEP
Caroline Higley, EEA
Dan Sieger, EEA
Caredwen Foley, OTA
Marcela Rojas, OTA
Michelle Spitznagel, OTA
Tiffany Skogstrom, OTA
Pam Eliason, TURI
Mike Ellenbecker, TURI
Liz Harriman, TURI
Rachel Massey, TURI
Greg Morose, TURI
Heather Tenney, TURI

Other attendees

Cathy Benjamin, GenTex Optics
Jeff Bibeau, Tighe and Bond/MCTA
Emily Bolger, EPA R1
Bill Coyne, Coyne Law Office
Kristine Davies, Trinity Consultants
Beth Fitzpatrick, RPS Group
Carol Holahan, Foley-Hoag for ACC
Tricia McCarthy, Coyne PC for ACC
David Morse, Sika Mfg, Canton
Emilee Scott, Robinson + Cole

One other attendee, full name and affiliation unknown

**Denotes members of the AHC who also sit on the Advisory Committee*

*Absent: *Mark Monique, *Elise Pechter*

Minutes

Welcome and introductions: Members were welcomed and introduced themselves.

Approval of minutes: Minutes approved.

Presentation: TURI staff delivered presentation on alternative planning options (resource conservation and TURA environmental management systems). A summary of the discussion following the presentation follows.

1. Resource conservation and EMS

- a. A member noted alternative planning may not appeal to business owners who believe it to be more expensive. A non-member attendee responded that some companies infer that it's more expensive because they believe they need to maintain two separate plans, and because they think alternative plans provide fewer options and would prefer a plan that gives them more options to implement.
- b. A member asked whether resource conservation planning constitutes toxics use reduction and noted that allowing filers to do resource conservation plans instead of TUR plans appears to suggest that the TUR isn't actually needed every 2 years.
 - i. TURI responded that resource conservation planning is available for companies who need it.
 - ii. Another member noted that resource conservation is toxics use reduction, and that that the initial investment can be high, but doesn't have to be if companies access grant aid and other services to reduce up-front costs, such as the assistance offered by the Industrial Assessment Center.
 - iii. An OTA staffer and another committee member responded that power production, water treatment, and waste incineration all yield toxic chemicals, so reducing the consumption of these resources does reduce toxics in the Commonwealth.
 - iv. The member who raised the initial question responded that her question was whether resource conservation reduces toxic chemicals in the workplace.
 - v. A member noted in the chat that the law broadly defines TUR: as "in-plant changes in production processes or raw materials that reduce, avoid, or eliminate the use of toxic or hazardous substances or generation of hazardous byproducts per unit of product, so as to reduce risks to the health of workers, consumers, or the environment, without shifting risks between workers, consumers, or parts of the environment."
- c. A member noted that companies doing alternative planning still pay TURA fees, and suggested that companies doing alternative planning could have their fees reduced.
- d. An Administrative Council member noted that resource conservation plans support compliance with other regulations and provide an opportunity to oversee overall compliance.
- e. A member suggested that the TURA program develop case studies on the benefits of RC planning, and thinks that the TURA Program could do a better job emphasizing that planners do not need to be resource conservation planners to do a resource conservation plan.
- f. A member stated that the comprehensive volume of information necessary for a planner to certify a resource conservation plan is overwhelming. He noted that companies often ask about resource conservation planning so they can get credit for what they have already done, and are dismayed when they cannot include it.

- g. A member stated that his company uses EMS, and that their TUR planner believes that it is a good program. He noted that the standard 2-year TUR planning/reporting cycle is overly burdensome because the low-hanging fruit is gone and there is not enough time for meaningful improvement. Even when there is no progress to report, the planner still has to rewrite the same thing and re-argue that there are no reasonable alternatives. The cycle is not compatible with the pace of progress that the company can actually achieve.
 - h. A non-member attendee stated in chat that she feels that companies should be able to substitute their own business continuous improvement structure.
 - i. A member suggested that this may be a time to reengage in a broader conversation, of which TUR is a part, of how to encourage culture change. The compliance orientation of the current conversation still suggests that the reason to plan is because the Commonwealth will check up on you. Instead, perhaps we could focus more on pro-environmental responsibility lens instead of catching people for violations.
 - j. A non-member attendee agreed that it is challenging to sustain momentum after the low-hanging fruit is gone. His company uses EMS (ISO 14001).
 - i. A member noted that she has clients who are in industries where ISO is standard, and that if a company has a reportable chemical that isn't a big priority, they worry that it could jeopardize their ISO certification if they do not make progress on reducing it.
 - k. A member stated that his company uses EMS and ISO 14000, and that EMS is perfect if low-hanging fruit have been exhausted. If you have a plan in place, and you set goals, and you have a rationale for not reducing the toxic chemical, that's all you need to demonstrate. His company does the EMS for that reason, because the metal is part of their product, they can't reduce core business further, and have had no issues with auditors because they demonstrate and update objective targets and planning worksheets.
 - l. A non-member guest noted that their EMS is dictated by corporate, and they have never had a problem with an auditor. She suggested that a 2-year cycle may be shorter than, or not align with, corporate business planning, and suggested that when a company has a good plan it should be able to substitute for perhaps a good portion of the 14 TURA elements.
 - m. A non-member guest noted that she always presents client all options they have, including EMS or RC if they're eligible, and has yet to have a client take EMS as an option because they are concerned about all reportable toxics being significant aspects and certification. She also noted that getting all 9 RC credits can be an issue.
2. Guidance and training
- a. A member asked about more EMS training, and mentioned that the previous 1 day at TURI/1 day at a facility went really well. TURI responded that additional EMS training beyond the initial training is not required, and that the TURA program hasn't scheduled the TURA EMS for 2 years.
 - b. A member suggested using CE conferences as a venue to break down misconceptions about resource conservation planning.

- c. A member stated that the breadth of the requirements in the guidance documents is overwhelming, and suggested better differentiating nice-to-have vs. must-have information. He also asked whether TURA was the place for doing RC, or whether is it “extra credit” work, and suggested that it may be better to put more effort into doing really good TUR plans.
- d. A non-member guest stated that it is particularly hard to get solid waste credits, and that getting pre-approval for credits, which is necessary to request time off from work to attend, can be extremely onerous because MassDEP requires materials and information she does not always have.
- e. Emily Bolger, the EnergyStar representative for US EPA Region 1, offered herself as a resource for any EPA/EnergyStar tools and noted that she also helps run New England training.
 - i. Contact: bolger.emily@epa.gov
 - ii. Energy Treasure Hunts: <https://www.energystar.gov/treasurehunt>
 - iii. Challenge for industry:
https://www.energystar.gov/industrial_plants/earn_recognition/energy_star_challenge_industry2
 - iv. Trainings: <https://www.energystar.gov/buildings/training>

3. General:

- a. A member asked about TRI reporting and overlap with TURA. Other members clarified that chemicals originating on the CERCLA list aren’t reported under TRI, and some sectors are not covered, either.
- b. A non-member attendee pointed out that although there are very few resource conservation plans being completed, this doesn’t mean that companies aren’t doing RC, they’re just not filing plans. They didn’t think the language in the guidance was intimidating, and appreciates having the alternative planning options in the ’06 amendments.
- c. A member noted that a small, and decreasing, proportion of businesses fall under TURA, and that these filers account for a very small portion of the universe for potential resource conservation.
- d. Program staff asked members for their thoughts about related programs their companies are starting or already doing—for example, climate preparedness or resiliency—and whether they would be a better fit for alternative plans. A member suggested putting more effort into the options that exist now instead of adding more, and that fees and cycles should also be looked at.
- e. A member noted a specific issue: water reclamation permit requirements that may not encourage water reuse after treatment. Dan Sieger requested that the member please send language about this so program staff could review it.
- f. A member noted in chat that building benchmarking is likely to increasingly be required as part of city or state requirements—some buildings may be working with LEED on Operations and Management—and that alignment of planning expectations makes sense.
- g. Program staff asked if merging TUR/RC planning requirements would reduce burdens. A member noted that some energy conservation plans are voluminous, and you might not

want to have that reside permanently with the TUR plan. It could be practical for small-to-medium plans, but perhaps not for a large plan.

- h. A non-member attendee asked about whether the TURA program has given any consideration to toxics that are beneficially recycled, and perhaps fee reductions. A member noted that for asphalt companies, 25% is recycled, and the only thing companies report on is chemicals in asphalt, but federal and state requirements require its use.
- i. Program staff noted that Asset Area 4 allows planning on any other chemical/material; there is a lot that falls outside the realm of TUR (not on list, nonreportable use, small quantities). How can we get companies to take advantage of that?
 - i. A member stated that chemicals below threshold stay on his docket so he can keep them below threshold. Keeping planning going for non-reportable levels helps to keep out of reporting in future years.
 - ii. A member stated that she uses software to become aware of certain chemicals that may have fallen under the radar or that affect other permits or regulations; those could be candidates for alternative planning.
- j. A member noted that many companies are already doing TUR and environmental improvements and just might not be choosing to do it as alternative planning. She also stated that a comment in the background document suggesting emphasis on greater enforcement was not fair to companies. Staff clarified that the comment pertaining to greater emphasis on enforcement was from TUR planners, not the TURA program, and that it referred to plans where planners stated that there were “no options,” but where if planners put in more effort they might find something, or be more likely to do an alternative plan.
- k. A member reflected on the discussion and summarized that opportunities include focusing on rewards and recognition, highlighting movement and progress in addition to the focus on periodic snapshot reporting, and thinking about how to think about the whole of environmental stewardship more than the parts - energy, toxics reduction, water, climate resiliency, etc.

Dan Sieger thanked everyone for participating and thanked TURI for facilitating.

Topic of next meeting: March’s meeting is about TUR Planning and Planners. April’s meeting will cover Toxic Substances List, and May’s meeting will cover Fees.

Adjourn